

# EXHIBIT A

PRE-DECISIONAL/DELIBERATIVE

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director  
Camp Springs, MD 20588-0009



U.S. Citizenship  
and Immigration  
Services

October 29, 2025

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: Joseph B. Edlow  
Director

SUBJECT: **Decision Memorandum on the Termination of Temporary Protected Status Designation for Haiti**

**Purpose**

U.S. Citizenship and Immigration Services (USCIS) is presenting a new recommendation of “termination” of the Temporary Protected Status designation for Haiti for your consideration after a federal district court judge impermissibly blocked your previous termination decision that was informed by the June 4, 2025 Decision Memo with subject “Temporary Protected Status for Haiti” (Attachment D). In continuing compliance with statutory requirements, this new recommendation, is based on a review of current conditions in Haiti and an analysis indicating that permitting Haitian nationals to remain temporarily in the United States is contrary to the U.S. national interest.

**Background**

Haiti was initially designated for Temporary Protected Status more than fifteen years ago on January 21, 2010, based on a determination that there were “extraordinary and temporary conditions” in Haiti that prevented nationals of Haiti from returning in safety and that permitting such aliens to remain temporarily in the United States would not be “contrary to the national interest of the United States.”<sup>1</sup> Following the initial designation, former Secretary Napolitano extended and newly designated Haiti for Temporary Protected Status once, from July 23, 2011 through January 22, 2013, based on extraordinary and temporary conditions.<sup>2</sup> Thereafter, Temporary Protected Status was extended three more times based on extraordinary and temporary conditions: (1) from January 23, 2013 through July 22, 2014<sup>3</sup>; (2) from July 23, 2014 through January 22, 2016<sup>4</sup>; and (3)

<sup>1</sup> Designation of Haiti for Temporary Protected Status, 75 FR 3476 (Jan. 21, 2010).

<sup>2</sup> Extension and Redesignation of Haiti for Temporary Protected Status, 76 FR 29000 (May 19, 2011).

<sup>3</sup> Extension of the Designation of Haiti for Temporary Protected Status, 77 FR 59943 (Oct. 1, 2012).

<sup>4</sup> Extension of the Designation of Haiti for Temporary Protected Status, 79 FR 11808 (Mar. 3, 2014).

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from January 23, 2016 through July 22, 2017.<sup>5</sup> Former Secretary Kelly then granted a six-month extension of Temporary Protected Status from July 23, 2017 through January 22, 2018, but made clear that a further extension appeared unwarranted based on then-current country conditions.<sup>6</sup> Subsequently, then-Acting Secretary Duke announced the termination of the Temporary Protected Status designation of Haiti effective July 22, 2019.<sup>7</sup>

In spite of Section 244 of the Immigration and Nationality Act clearly stating that Temporary Protected Status determinations are not subject to judicial review, the termination of Haiti's 2011 designation was challenged in several lawsuits, and court injunctions required DHS to temporarily continue Temporary Protected Status for Haiti pending a final court order.<sup>8</sup> Former Secretary Mayorkas newly designated Haiti on the basis of extraordinary and temporary conditions effective August 3, 2021 through February 3, 2023.<sup>9</sup> Thereafter, Temporary Protected Status for Haiti was extended and newly designated from February 4, 2023 through August 3, 2024.<sup>10</sup> In July 2024, DHS issued a notice stating that Secretary Mayorkas had once again extended and newly designated Haiti for Temporary Protected Status for an 18-month period, set to expire on February 3, 2026.<sup>11</sup>

On February 24, 2025, DHS published a *Federal Register* notice announcing your decision to partially vacate the July 1, 2024 Temporary Protected Status decision by reducing the period of extension and new designation of Temporary Protected Status for Haiti from the statutory maximum of 18 months to 12 months with an amended end date of August 3, 2025.<sup>12</sup> On July 1, 2025, DHS published a *Federal Register* notice announcing your decision to terminate the Temporary Protected Status designation for Haiti, effective September 2, 2025.<sup>13</sup> Again, in spite of the statutory prohibition of judicial review, on July 15, 2025, a judge in the U.S. District Court for the Eastern District of New York issued a final judgment in *Haitian Evangelical Clergy Ass'n v. Trump*, No. 25-cv-1464, that makes the effective date of any termination no earlier than February 3, 2026.<sup>14</sup>

Given this court-ordered change, Haiti's existing designation for Temporary Protected Status will expire on February 3, 2026. At least 60 days before a Temporary Protected Status designation

<sup>5</sup> Extension of the Designation of Haiti for Temporary Protected Status, 80 FR 51582 (Aug. 25, 2015).

<sup>6</sup> Extension of the Designation of Haiti for Temporary Protected Status, 82 FR 23830 (May 24, 2017).

<sup>7</sup> Termination of the Designation of Haiti for Temporary Protected Status, 83 FR 2648 (Jan. 18, 2018).

<sup>8</sup> On Dec. 28, 2023, the U.S. District Court for the Northern District of California dismissed *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Dec. 28, 2023). *Bhattarai v. Nielsen*, No. 19-cv-731 (N.D. Cal. Mar. 12, 2019) was consolidated with *Ramos* in August 2023. The court agreed with the government position that subsequent Temporary Protected Status designations rendered the pending litigation moot.

<sup>9</sup> Designation of Haiti for Temporary Protected Status, 86 FR 41863 (Aug. 3, 2021).

<sup>10</sup> Extension and Redesignation of Haiti for Temporary Protected Status, 88 FR 5022 (Jan. 26, 2023).

<sup>11</sup> Extension and Redesignation of Haiti for Temporary Protected Status, 89 FR 54484 (July 1, 2024).

<sup>12</sup> Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti, 90 FR 10511 (Feb. 24, 2025).

<sup>13</sup> Termination of the Designation of Haiti for Temporary Protected Status, 90 FR 28760 (July 1, 2025).

<sup>14</sup> On September 5, 2025, a second district court also issued a judgment setting aside the prior partial vacatur determination for Haiti TPS. *Nat'l TPS Alliance v. Noem*, No. 23-cv-1766 (N.D. Cal.).

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expires, you, after consultation with appropriate U.S. Government agencies, are required to review the conditions in a country designated for Temporary Protected Status to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.<sup>15</sup> A timely determination must be made by December 5, 2025.

**Statutory Considerations**

In compliance with the U.S. District Court for the Eastern District of New York's final judgment, the current Temporary Protected Status designation period for Haiti is extended through February 3, 2026. On June 4, 2025, you signed a Decision Memo from Acting Director Alfonso-Royals with the subject "Temporary Protected Status for Haiti." You concurred with USCIS' recommendation of "termination" of Haiti's designation for Temporary Protected Status.

In that Decision Memo, USCIS reviewed then-current country conditions in Haiti and described its reasoning for why termination of Temporary Protected Status for Haiti was warranted. This review included examining: (a) whether extraordinary and temporary conditions in Haiti that prevent aliens who are Haitian nationals from returning to Haiti in safety continued to exist, and (b) if permitting Haitian nationals to remain temporarily in the United States was contrary to the national interest of the United States. USCIS concluded the situation in Haiti was concerning; however, the United States must prioritize its national interests, which includes assessing foreign policy, public safety, national security, migration factors, immigration policy, and economic considerations. USCIS outlined the national interest concerns in its memo to you. In considering these factors individually and cumulatively, you determined that permitting Haitian nationals to remain temporarily in the United States was contrary to the U.S. national interest.<sup>16</sup>

Since you signed the June 4, 2025 Decision Memo, USCIS has once again examined conditions in Haiti and carefully considered relevant national interest considerations in assessing whether the designation for Haiti should be extended or terminated. Importantly, this memorandum requests a new determination based on updated conditions and considerations.

The country conditions in Haiti since your previous decision remain concerning, but termination is still warranted. As an example of the challenges still facing the country, during his August 28, 2025 address to the United Nations (UN) Security Council, the UN Secretary-General reported that 1.3 million people – approximately 12% of Haiti's population – have been forced to temporarily leave their homes and are internally displaced due to escalating violence and that gang violence has "engulfed" Port-au-Prince "and spreads beyond."<sup>17</sup> While this temporary internal relocation is disruptive, it also indicates that there are areas in Haiti that remain suitable to reside in. At the UN Security Council briefing on Haiti on August 28, 2025, the Acting U.S. Ambassador to the UN,

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<sup>15</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(A), 8 U.S.C. § 1254a(b)(3)(A); see also Attachment A: Temporary Protected Status Legal Authority.

<sup>16</sup> For further details, please see Attachment D: June 4, 2024 Signed Decision Memo, Temporary Protected Status for Haiti.

<sup>17</sup> United Nations, "Security-General's remarks to the Security Council – on Haiti [trilingual, as delivered; scroll down for all-English and all-French]," Aug. 28, 2025, <https://www.un.org/sg/en/content/sg/statement/2025-08-28/secretary-generals-remarks-the-security-council-haiti-trilingual-delivered-scroll-down-for-all-english-and-all-french>.

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Dorothy Shea, commented that “the United States remains concerned about escalating levels of violence in Haiti” and “the territorial expansion of the gangs threatens to undermine gains made by both the Haitian National Police and the Multinational Security Support mission.”<sup>18</sup> At that time, Acting Ambassador Shea further highlighted humanitarian concerns such as displacement of 1.3 million people, recruitment of children in armed gangs, and food insecurity in the country.<sup>19</sup> USCIS has considered these concerns, and now places them in the context of more recent statements made by Ambassador Mike Waltz, who was officially sworn in as the U.S. Representative to the UN on September 20, 2025. During the most recent UN Security Council briefing on Haiti on October 22, 2025, Ambassador Waltz acknowledged that Haiti “has had a long and difficult history” and “truly stands at a crossroad.”<sup>20</sup> Ambassador Waltz also reiterated country conditions and their broader impact for the region: “...we have gangs that are terrorizing communities, extorting families, recruiting children to commit horrors on behalf of the gang leaders. The spillover effects of this violence threaten not only Haiti but the stability of the wider Caribbean and the Western Hemisphere.”<sup>21</sup> In those same remarks, Ambassador Waltz applauded the UN Security Council’s September 30, 2025 adoption of the resolution transitioning the Kenyan-led Multinational Security Support mission to a new multinational Gang Suppression Force that would be supported by a newly created UN Support Office in Haiti.<sup>22</sup> Per the United Nations, “under an initial 12-month mandate, the GSF [Gang Suppression Force] will work in close coordination with the Haitian National Police (HNP) and the Haitian armed forces to conduct intelligence-led operations to neutrali[z]e gangs, provide security for critical infrastructure and support humanitarian access. The 5,550-strong force will also protect vulnerable groups, support reintegration of former fighters and help strengthen Haitian institutions.”<sup>23</sup>

On October 1, 2025, Secretary Rubio issued a press statement stating “[the Gang Suppression] force will address Haiti’s immediate security challenges and lay the groundwork for long-term stability... moving forward, the GSF, with support from the UNSOH [UN Support Office in Haiti], will transition to an international burden-sharing model with the sufficient resources needed to fight the gangs.”<sup>24</sup> In recent remarks, the Alternate Representative to the UN for Special Political Affairs stated “just a few weeks ago, this Council passed a resolution for a Gang Suppression Force and a

<sup>18</sup> U.S. Mission to the UN, “Remarks at a UN Security Council Briefing on Haiti” (Aug. 28, 2025), <https://ht.usembassy.gov/remarks-at-a-un-security-council-briefing-on-haiti/>.

<sup>19</sup> *Id.*

<sup>20</sup> U.S. Mission to the UN, “Remarks at a UN Security Council Briefing on Haiti” (Oct. 22, 2025), <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-haiti-8/>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> United Nations, “UN Security Council approves new ‘suppression force’ for Haiti amid spiraling gang violence” Sept. 30, 2025, <https://news.un.org/en/story/2025/09/1166006>.

<sup>24</sup> U.S. Dep’t of State, “On the Next Steps to Restoring Security in Haiti,” Oct. 1, 2025, <https://www.state.gov/releases/office-of-the-spokesperson/2025/10/on-the-next-steps-to-restoring-security-in-haiti/>.

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UN Support Office. These measures will restore security in Haiti and bring gangs to their knees.”<sup>25</sup> There have also been some positive developments in Haiti’s economic conditions, further underscoring signs of optimism. According to the World Bank, “modest GDP growth is projected by 2026 as investment increases from a low baseline, assuming improvements on the political and security fronts.”<sup>26</sup>

Since your June 4, 2025 determination, USCIS also has continued to assess national interest factors in relation to the designation of Haiti for Temporary Protected Status. A key consideration in the national interest analysis has been the impact of Temporary Protected Status on national security and public safety threats in the United States. In May 2025, the U.S. Department of State (State) designated two Haitian gangs, Viv Ansanm and Gran Grif, as Foreign Terrorist Organizations.<sup>27</sup> According to State, “[t]he groups provide a unified platform for criminal groups to use violence to destabilize Haiti and quash actions aimed at restoring state control.”<sup>28</sup> As the influence of these Foreign Terrorist Organizations spreads and they exercise de facto territorial control, it raises concerns that individuals associated with or sympathetic to these groups – whether newly arriving or already residing in the United States – could have affiliations or intentions that run counter to U.S. interests, such as ties to gangs and weapon smuggling.<sup>29</sup> As recently as September 2025, Secretary Rubio and other U.S. officials have repeatedly commented that the designated Haitian gangs have overrun Haiti and have also destabilized the region.<sup>30</sup> Since the U.S. designated Viv Ansanm and Gran Grif as foreign terrorist organizations, the Department of Homeland Security, Department of Justice, and Department of State have already announced arrests and indictments of

<sup>25</sup> U.S. Mission to the UN, “Explanation of Vote Following the Adoption of a UN Security Council Resolution on Haiti,” (Oct. 17, 2025), <https://usun.usmission.gov/explanation-of-vote-following-the-adoption-of-a-un-security-council-resolution-on-haiti/>.

<sup>26</sup> World Bank, “The World Bank in Haiti,” (last updated Apr. 28, 2025), <https://www.worldbank.org/en/country/haiti/overview>.

<sup>27</sup> See Foreign Terrorist Organization Designations of Viv Ansanm and Gran Grif, 90 FR 19065 (May 5, 2025).

<sup>28</sup> *Id.*

<sup>29</sup> See, e.g., New York Times, “Haiti Doesn’t Make Guns. So How Are Gangs Awash in Them?” (Mar. 20, 2025) (“The United Nations imposed an arms embargo on Haiti three years ago, yet most weapons on Haiti’s streets are from the United States, where they are purchased by straw buyers and smuggled into the country by sea or sometimes by land through the Dominican Republic, according to the United Nations.”), <https://www.nytimes.com/2025/03/30/us/haiti-gangs-guns-smuggling.html#:~:text=The%20United%20Nations%20imposed%20an,through%20Haiti's%20gang%2Dinfested%20s eaports>.

<sup>30</sup> See, e.g., U.S. Dep’t of State, “Secretary of State Marco Rubio with Ainsley Erhardt, Brian Kilmeade, and Lawrence Jones of Fox and Friends” (Sept. 23, 2025), <https://www.state.gov/releases/office-of-the-spokesperson/2025/09/secretary-of-state-marco-rubio-with-ainsley-erhardt-brian-kilmeade-and-lawrence-jones-of-fox-and-friends/> (“...even close to home in the Western Hemisphere, in a place like Haiti that’s been overrun by gangs that control that country and has destabilized the region...”); see also U.S. Mission to the UN, “U.S. Representative to the United Nations, Ambassador Mike Waltz’s Interview with Martha Maccallum on Fox News” (Oct. 1, 2025), <https://usun.usmission.gov/u-s-representative-to-the-united-nations-ambassador-mike-waltz-interview-with-martha-maccallum-on-fox-news/> (“We in the UN Security Council just took action yesterday on the gangs that have taken over Haiti, right off Florida’s shores. These gangs are in coordination with all of these transnational groups. They’re shipping drugs, money, weapons. They’re destabilizing the entire region.”).

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aliens linked to these gangs.<sup>31</sup> On June 10, 2025, President Trump issued an Executive Order which published findings that “Haiti lacks a central authority with sufficient availability and dissemination of law enforcement information necessary to ensure its nationals do not undermine the national security of the United States.”<sup>32</sup> These federal actions, including State’s designation of two major Haitian gangs as Foreign Terrorist Organizations and the President’s Executive Order restricting entry from Haiti and other countries on national security screening grounds, constitute new and material evidence that are relevant to the national interest assessment of the Haitian Temporary Protected Status population in the United States. It is not accurate to assume that aliens who entered years ago can be categorically viewed as low-risk merely because they have resided in the United States for an extended period. Given the outsized influence of gangs in Haiti and the associated gang-related activities that have expanded to the United States, permitting Haitian nationals to remain temporarily in the United States continues to be contrary to the U.S. national interest.

In approving the June 4, 2025 Decision Memo, you determined that an extension of the designation of Temporary Protected Status for Haiti was contrary to the national interest based on an analysis of migration factors, immigration policy, foreign policy, national security, and public safety. USCIS has re-examined country conditions since you signed the June 4, 2025 Decision Memo and found that while there have been some changes, these changes have not impacted the analysis that supported a determination to terminate Temporary Protected Status for Haiti based on the U.S. national interest. As part of the review process, DHS again consulted with State. State confirmed on September 5, 2025 that termination of the Temporary Protected Status designation would not pose negative foreign policy concerns.

**Additional Relevant Considerations**

A determination on Haiti’s Temporary Protected Status designation must take into account relevant U.S. national interest considerations. In light of the court’s final order which interfered with your June 4th decision, USCIS has again examined the records of Haitian beneficiaries of Temporary Protected Status. DHS records indicate some members of the Haiti Temporary Protected Status population have been under administrative investigation for risk to national security or public safety, or for attempting to obtain immigration benefits through fraud or misrepresentation. As of September 17, 2025, DHS data shows approximately 50% of Haiti Temporary Protected Status

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<sup>31</sup> See, e.g., U.S. Immigration and Customs Enforcement, “ICE ERO Boston arrests Haitian gang member with numerous convictions” (Jan. 24, 2025), available at: <https://www.ice.gov/news/releases/ice-ero-boston-arrests-haitian-gang-member-numerous-convictions>. (ICE apprehended Wisteguens Jean Quely Charles, a member of a violent Haitian street gang, who had been arrested, charged, and convicted for 17 crimes between August 2022 and August 2024 including distribution of controlled substances and assault and battery with a dangerous weapon); see also ICE, “ICE arrests illegal alien from Haiti connected to criminal terrorist organizations” (Sept. 25, 2025), <https://www.ice.gov/news/releases/ice-arrests-illegal-alien-haiti-connected-criminal-terrorist-organizations>. (In Sept. 2025, ICE announced the arrest of a Haitian alien who “engaged in a campaign of violence and gang support that contributed to Haiti’s destabilization.”).

<sup>32</sup> Restricting the Entry of Foreign Nationals to Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats, 90 FR 24497 (June 10, 2025).

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beneficiaries or applicants have at least one TECS<sup>33</sup> hit in their benefit request history which could span over many years and multiple benefit request types.<sup>34</sup> Though a TECS hit does not always lead to derogatory findings or a negative adjudicative outcome, this information should be taken into serious consideration when evaluating whether a Temporary Protected Status decision for Haiti aligns with the national interest of the United States. As of September 9, 2025, Fraud Detection and National Security-Data System NexGen data also shows approximately 2,327 of the Haiti Temporary Protected Status population (including current beneficiaries and applicants with pending applications) had a record where fraud was found, 512 had a record which was investigated but fraud was not found, and 273 had a record which was inconclusive regarding fraud.<sup>35</sup> Moreover, 865 aliens of the Haiti Temporary Protected Status population (including current beneficiaries and applicants with pending applications) had Public Safety records, 369 had Egregious Public Safety (EPS)<sup>36</sup> records, and 51 had National Security Related Information (NSRI) records.<sup>37</sup>

Approximately 67,400 nationals of Haiti have entered the United States since June 3, 2024. Within this population, only approximately 3,000 are nonimmigrants in valid status, approximately 1,000 are nonimmigrants out of status, approximately 63,000 were encountered at a border or port of entry and have no lawful immigration status, and it is estimated that 400 crossed the U.S. border without being apprehended.<sup>38</sup> While migration from Haiti to the U.S. involves several push and pull factors, Temporary Protected Status has been cited by a report as being a pull factor contributing to migration to the United States.<sup>39</sup>

Overstaying the authorized period of admission in nonimmigrant status is a violation of U.S. immigration laws and presents challenges for immigration enforcement and resource allocation. Visa overstaying diverts resources from other critical enforcement priorities, such as addressing

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<sup>33</sup> TECS is an information-sharing platform which can assist authorized users to access different databases to identify individuals who pose a risk to national security or public safety, and individuals attempting to obtain immigration benefits through fraud or misrepresentation. A TECS hit does not always lead to derogatory findings or adverse adjudicative decisions for a particular person, particularly in long assessment periods and/or in populations that have a high degree of name similarity.

<sup>34</sup> USCIS Internal Data, Office of Policy and Strategy, TECS data, TPS Haiti as of Sept. 17, 2025.

<sup>35</sup> USCIS Internal Data, Fraud Detection and National Security Directorate, FDNS-DS NexGen data, TPS Haiti, as of Sept. 9, 2025.

<sup>36</sup> *Memorandum of Agreement Between USCIS and ICE Regarding National Security, Public Safety and Immigration Benefit Fraud Referrals*, July 23, 2025 (USCIS-ICE MOA) defines an EPS case as one where an unlawful immigrant is under investigation or arrest or was convicted of certain criminal acts. These criminal acts include those defined in INA 101(a)(43) such as murder, rape, or sexual abuse of a minor, illicit trafficking of controlled substances, illicit trafficking in firearms or destructive devices, or crimes of violence with a penalty of at least 1 year.

<sup>37</sup> USCIS Internal Data, Fraud Detection and National Security Directorate, FDNS-DS NexGen data, TPS Haiti, as of Sept. 9, 2025.

<sup>38</sup> OHSS estimate as of September 30, 2025.

<sup>39</sup> See, e.g., Migration Policy Institute, "Haitian Migration through the Americas: A Decade in the Making" (Sept. 30, 2021) ("misinformation about TPS eligibility and about the general availability of legal status in the United States may have been one factor for migrants trying to reach the U.S. border"), <https://www.migrationpolicy.org/article/haitian-migration-through-americas>.

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illegal border crossings. President Trump imposed conditional restrictions and limitations on the entry of certain foreign nationals from 19 countries, including Haiti.<sup>40</sup> According to the Fiscal Year 2024 Department of Homeland Security Entry/Exit Overstay Report, Haiti had a Non-Visa Waiver Program Countries Business or Pleasure Visitors (B-1/B-2) visa overstay rate of 24.84% and a Student and Exchange Visitors (F, M, J) visa overstay rate of 22.35%.<sup>41</sup> These figures significantly exceed the global average overstay rates of 2.33% for B-1/B-2 visas and 3.23% for F, M, J visas – over ten times higher for business or pleasure visitors and over six times higher for student and exchange visitors.<sup>42</sup> Haiti’s visa overstay rates consistently remain very high compared to other nations, reflecting ongoing challenges in enforcing compliance with U.S. visa regulations. Elevated overstay rates present potential risks to U.S. national security and public safety, as aliens who overstay their visas may be harder to locate and monitor, increasing vulnerabilities within immigration enforcement systems. Moreover, aliens who overstay nonimmigrant visas can place an added strain on local communities by increasing demand for public resources, contributing to housing and healthcare pressures, and taking American jobs despite lacking work authorization and legal status.

Of particular significance when evaluating the conditions in Haiti and the ability of Haitian nationals’ ability to safely return to Haiti, a number of Haitian nationals have requested advance parole documents for travel back to Haiti. This bears directly on the question of whether nationals may safely travel there. In the first nine months of 2025, approximately 1,219 Haitian nationals requested advanced parole documents, of which approximately 180 (14.8%) were for intended travel to Haiti.<sup>43</sup>

Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently removing aliens to Haiti. From FY2020 to FY2025 through August 31, 2025, ICE removed approximately 4,140 aliens to Haiti.<sup>44</sup> From October 1, 2024 to August 31, 2025 specifically, covering most of FY2025, approximately 670 aliens were removed to Haiti,<sup>45</sup> indicating that conditions in Haiti have been sufficiently stable for the safe removal of Haitian nationals.

There are also compelling foreign policy reasons for ending the Temporary Protected Status designation for Haiti. In Executive Order 14150, “America First Policy Directive to the Secretary of State,” President Trump declared “from this day forward, the foreign policy of the United States

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<sup>40</sup> See Restricting the Entry of Foreign Nationals to Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats, 90 FR 24497 (June 10, 2025).

<sup>41</sup> U.S. Customs and Border Protection, Entry/Exit Overstay Report, Department of Homeland Security (July 16, 2025), [https://www.dhs.gov/sites/default/files/2025-08/25\\_0826\\_cbp\\_entry-exit-overstay-report-fiscal-year-2024.pdf](https://www.dhs.gov/sites/default/files/2025-08/25_0826_cbp_entry-exit-overstay-report-fiscal-year-2024.pdf).

<sup>42</sup> U.S. Customs and Border Protection, Entry/Exit Overstay Report, Department of Homeland Security (July 16, 2025), [https://www.dhs.gov/sites/default/files/2025-08/25\\_0826\\_cbp\\_entry-exit-overstay-report-fiscal-year-2024.pdf](https://www.dhs.gov/sites/default/files/2025-08/25_0826_cbp_entry-exit-overstay-report-fiscal-year-2024.pdf).

<sup>43</sup> Estimates as of September 11, 2025. These figures do not necessarily include Temporary Protected Status beneficiaries, who receive a Temporary Protected Status Travel Authorization Document rather than an Advance Parole Document. USCIS does not collect intended destination country from Temporary Protected Status beneficiaries on Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records.

<sup>44</sup> OHSS analysis of ICE ERO data as of August 31, 2025.

<sup>45</sup> *Id.*

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shall champion core American interests and always put America and American citizens first.” Moreover, it instructed “as soon as practicable, the Secretary of State shall issue guidance bringing the Department of State’s policies, programs, personnel, and operations in line with an America First foreign policy, which puts America and its interests first.”<sup>46</sup> On September 11, 2025, the U.S. representative to the Organization of American States stated: “we must come together as a region now to deliver an appropriately resourced force with the scope and scale needed to take the fight to the gangs. The United States has taken decisive steps: designating Viv Ansanm and Gran Grif as Foreign Terrorist Organizations and Specially Designated Global Terrorists; offering a \$5 million reward for information leading to the arrest of Jimmy Cherizier (Barbecue); and promoting accountability for criminals and those supporting gangs through indictments, arrests, sanctions, arms seizures, and visa and U.S. residency restrictions. The era of impunity in Haiti is over.”<sup>47</sup> Ending Temporary Protected Status for Haiti reflects a necessary and strategic vote of confidence in the new chapter Haiti is turning. The United States cannot call for bold change on the ground while signaling doubt from afar. Our immigration policy must align with our foreign policy vision of a secure, sovereign, and self-reliant Haiti.

**Conclusion**

USCIS has found that country conditions in Haiti have largely remained similar since you signed the June 4, 2025 Decision Memorandum, with some positive developments as recognized in recent remarks by U.S. officials. Even if you find that the extraordinary and temporary conditions that underpin the Temporary Protected Status designation exist, the statute nonetheless compels you to terminate it if you find that it is contrary to the national interest to allow Haitians to remain in the United States. USCIS continues to assess that permitting Haitian nationals to remain temporarily in the United States is contrary to the national interest as explained in the June 4, 2025 Memorandum, and provides refreshed and expanded analysis supporting this recommendation in this memorandum. Accordingly, USCIS concludes that the recommendation of termination of the designation of Haiti for Temporary Protected Status is still warranted.

**Options:** Your options include the following actions:

- 1) **Terminate Haiti’s Designation for Temporary Protected Status (USCIS Recommendation)**
  - If you determine again that Haiti no longer meets the statutory requirements for its Temporary Protected Status designation, you must terminate Temporary Protected Status for Haiti. Termination would end Temporary Protected Status benefits for existing Haiti Temporary Protected Status beneficiaries after the termination determination is published in the *Federal Register* and the termination becomes effective. Upon the termination of Temporary Protected Status benefits, former beneficiaries without another immigration status, authorization to remain, or a period of stay authorized would no longer have permission to work or remain in the United States. They may, however,

<sup>46</sup> See America First Policy Directive to the Secretary of State, 90 FR 8337 (Jan. 29, 2025).

<sup>47</sup> U.S. Mission to the Organization of American States, “U.S. Remarks: Call for Coordinated UN Action in Support of Haiti” (Sept. 11, 2025), <https://usoas.usmission.gov/u-s-remarks-call-for-coordinated-un-action-in-support-of-haiti/>.

## PRE-DECISIONAL/DELIBERATIVE

**Decision Memorandum on Termination of Temporary Protected Status Designation for Haiti**  
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apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).

- If you decide again to terminate Haiti's designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension. (or earlier than the February 3, 2026 date set by the court in *Haitian Evangelical Clergy Ass'n v. Trump*. Note that you have the discretionary option to set an effective date longer than 60 days if you deem it appropriate to do so. However, a 60-day transition period aligns with recent determinations made when Temporary Protected Status designations have been terminated, helps to streamline enforcement operations, and avoids creating uncertainty or false hope of a future designation. Additionally, this population has been on notice for nearly four months since your initial termination decision was published.

2) *Extend Haiti's Designation for Temporary Protected Status*

- Under the Temporary Protected Status statute, if you determine that the statutory conditions for designation continue to be met, you must extend the Temporary Protected Status designation for an additional period of 6, 12, or 18 months.<sup>48</sup> Haiti was initially designated for Temporary Protected Status on January 1, 2010 based on a determination that there were extraordinary and temporary conditions in Haiti that prevented nationals of Haiti from returning in safety and a finding that allowing Haitians to remain temporarily in the United States would be not contrary to the national interest.
- Should the decision be made to extend the designation of Temporary Protected Status for Haiti, only existing Temporary Protected Status beneficiaries may re-register for Temporary Protected Status, and any Haitian nationals who may have entered the United States after the current continuous residence date will not be eligible for an initial application for Temporary Protected Status.

3) *No Decision/Automatic Extension*

- After review of the assessment, you could choose not to make a determination about whether Haiti's Temporary Protected Status designation should be extended or terminated at this time. If you do not make a determination at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
- Should you choose not to make a determination about whether the conditions supporting Haiti's designation continue to be met, an announcement of the automatic extension is required via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension. Note that you would then have to review conditions prior to the expiration of that extension.

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<sup>48</sup> Along with an extension of the Temporary Protected Status designation, the statute also provides that the Secretary may newly designate the country for Temporary Protected Status. See INA sec. 244(b)(1), 8 U.S.C. § 1254a(b)(1).

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## Decision Memorandum on Termination of Temporary Protected Status Designation for Haiti

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**Signature Level Justification:** At least 60 days before the expiration of a foreign state's Temporary Protected Status designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for Temporary Protected Status to determine whether they continue to meet the conditions for the Temporary Protected Status designation.<sup>49</sup>

**Timeliness:** You are required by statute to decide whether to extend or terminate an existing Temporary Protected Status designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.<sup>50</sup> For Haiti's designation, which is currently extended through February 3, 2026, you must make a decision by December 5, 2025, or the statutory automatic extension will occur.

You are further required to provide timely notice of your decision through publication in the *Federal Register*.<sup>51</sup> Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures to Temporary Protected Status beneficiaries, their employers, and benefit-granting agencies. **Based on the government's representation to the court in *Miot v. Trump*,**<sup>52</sup> **USCIS should publish your decision in the *Federal Register* no later than December 5, 2025.** As such, USCIS respectfully requests your decision as soon as possible.

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<sup>49</sup> INA sec. 244(b)(3)(A), 8 U.S.C. § 1254a(b)(3)(A).

<sup>50</sup> See INA sec. 244(b)(3)(A), (C), 8 U.S.C. § 1254a(b)(3)(A), (C).

<sup>51</sup> See INA sec. 244(b)(3)(A), 8 U.S.C. § 1254a(b)(3)(A).

<sup>52</sup> *Miot v. Trump*, No. 1:25-CV-02471 (D.D.C.), is a federal lawsuit filed in July 2025 by several Haitian nationals challenging the termination of Temporary Protected Status for Haiti. As of October 2025, the case is pending in the U.S. District Court for the District of Columbia.

PRE-DECISIONAL/DELIBERATIVE

**Temporary Protected Status for Haiti**

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**USCIS Recommendation:** USCIS recommends again that you terminate the Temporary Protected Status designation based on a finding that permitting Haitian nationals to remain temporarily in the United States is contrary to the U.S. national interest. Further, USCIS recommends the statutory minimum of 60 days following publication of the *Federal Register* notice, or February 3, 2026, whichever is later, for the effective date of the termination as appropriate for an orderly period of transition. The statutory minimum period of transition is consistent with the precedent of previous Temporary Protected Status country terminations and makes clear that the United States is committed to clarity and consistency. Moreover, the statutory minimum transition period minimizes additional administrative burden and strikes a balance between providing a reasonable timeframe for aliens to transition and safeguarding the integrity of the immigration system and public resources.

**Secretary's Decision:**

1. Terminate: *Terminate Haiti's designation*

Specify the Effective Date of the Termination (if other than recommended): \_\_\_\_\_

Approve/date \_\_\_\_\_

2. Extend: *Extend Haiti's existing designation for 6, 12, or 18 months*

Specify duration of extension (6, 12, or 18 months): \_\_\_\_\_

Approve/date \_\_\_\_\_

3. No Decision/Automatic Extension: *Delay a decision on Haiti's designation, resulting in an extension of 6 months*

Approve/date \_\_\_\_\_

**Attachments:**

Attachment A: Temporary Protected Status Legal Authority  
 Attachment B: USCIS RAIO Country of Origin Information Considerations Report and Addendum, Haiti, Sept. 12, 2025  
 Attachment C: USCIS OP&S Policy Considerations Report, Haiti, Oct. 24, 2025  
 Attachment D: June 4, 2025, Signed Decision Memo, Temporary Protected Status for Haiti

# EXHIBIT B

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director  
Camp Springs, MD 20788-0009



U.S. Citizenship  
and Immigration  
Services

May 1, 2025

**DECISION**

MEMORANDUM FOR THE SECRETARY

FROM: Kika M. Scott **KIKA M SCOTT**  
 Senior Official Performing the Duties of Director

Digitally signed by Kika M SCOTT  
 Date: 2025.05.01 10:01:53 -0400

SUBJECT: **Temporary Protected Status for Honduras**

**Recommendation:** U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of termination for the Temporary Protected Status (TPS) designation for Honduras based on a review of current conditions in Honduras.

**Purpose:** Honduras' existing TPS designation will expire July 5, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.<sup>1</sup> If the Secretary determines that the country no longer meets the statutory conditions for designation, she must terminate the designation.<sup>2</sup> If the Secretary does not make a timely decision about whether the country no longer meets the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.<sup>3</sup> Accordingly, USCIS has completed a review of the conditions in Honduras to inform the consideration of the TPS action and is presenting a recommendation of termination for your consideration.

As part of the review process, USCIS consulted with the Department of State (DOS). In a letter to you dated April 8, 2025, the Secretary of State recommended termination of the TPS designation because "Honduras has recovered sufficiently from the temporary disruption in living conditions that resulted from the environmental disaster caused by Hurricane Mitch in

<sup>1</sup> Immigration and Nationality Act (INA) sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). See generally Attachment A: Temporary Protected Status Legal Authority.

<sup>2</sup> INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

<sup>3</sup> INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

## Temporary Protected Status for Honduras

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1999 such that Honduras can adequately handle the return of its nationals.”<sup>4</sup> For the reasons set forth below, we agree that ample information on the current country conditions in Honduras, including that information showing that Honduras is no longer temporarily unable to handle adequately the return of its nationals, supports TPS termination.

Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed. The statute inherently contemplates advance notice of a termination by requiring the Secretary to make a decision at least 60 days before the current expiration date and delaying the effective termination date by at least 60 days after publication of a *Federal Register* notice of the termination or, if later, the existing expiration date.<sup>5</sup>

**TPS Overview:** Honduras was initially designated for TPS on January 5, 1999, based on Hurricane Mitch in 1998, that resulted in substantial, but temporary, disruption of living conditions.<sup>6</sup> The designation had been continuously extended since its initial designation until November 6, 2017, when former Acting Secretary of Homeland Security Elaine Duke announced that additional time was necessary regarding the TPS designation for Honduras. Consequently, she did not make a decision on Honduras’ TPS designation by the statutory deadline, resulting in an automatic 6-month extension of the designation, through July 5, 2018.<sup>7</sup>

In 2018, DHS announced the termination of TPS for Honduras<sup>8</sup> to be effective January 5, 2020, finding that the disruption of living conditions from Hurricane Mitch had decreased and was no longer substantial.<sup>9</sup> However, in response to litigation, DHS announced on May 10, 2019, that it would not implement or enforce the decision to terminate TPS for Honduras. DHS instead continued the validity of TPS-related documentation for Honduran TPS beneficiaries through January 5, 2020.<sup>10</sup> On November 4, 2019, to comply with ongoing litigation, DHS further continued and extended TPS-related documentation for Hondurans through January 4, 2021.<sup>11</sup>

<sup>4</sup> Attachment D: DOS Recommendation on TPS for Honduras.

<sup>5</sup> See INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3).

<sup>6</sup> *Designation of Honduras Under Temporary Protected Status*, 64 FR 524 (Jan. 5, 1999).

<sup>7</sup> DHS Press Release, *Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Nicaragua and Honduras*, available at: <https://www.dhs.gov/archive/news/2017/11/06-acting-secretary-elaine-duke-announcement-temporary-protected-status-nicaragua-and-honduras>. See also *Extension of the Designation of Honduras for Temporary Protected Status*, 82 FR 59630 (Dec. 15, 2017).

<sup>8</sup> DHS Press Release, *Secretary of Homeland Security Kirstjen M. Nielsen Announcement on Temporary Protected Status for Honduras* (May 4, 2018), available at: <https://www.dhs.gov/archive/news/2018/05/04-secretary-homeland-security-kirstjen-m-nielsen-announcement-temporary-protected-status-honduras>.

<sup>9</sup> *Termination of the Designation of Honduras for Temporary Protected Status*, 83 FR 26074 (June 5, 2018).

<sup>10</sup> Pursuant to an order to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731, pending resolution of related claims being litigated before the Ninth Circuit Court of Appeals in *Ramos v. Nielsen*, No. 18-16981, DHS published a notice that it will not implement or enforce the decision to terminate TPS for Honduras. TPS beneficiaries from Honduras retained TPS, provided that an alien’s TPS status is not withdrawn because of ineligibility. See *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019); *Ramos v. Nielsen*, 326 F. Supp. 3d 1075 (N.D. Cal. 2018); see also *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Nepal and Honduras*, 84 FR 20647 (May 10, 2019).

<sup>11</sup> To comply with the preliminary injunctions issued in *Ramos v. Nielsen* and *Sager v. Trump* and the order to stay proceedings in *Bhattarai v. Nielsen*. See *Sager v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019); *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 84 FR 59405 (Nov. 4, 2019).

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While litigation continued, DHS published three additional *Federal Register* Notices (FRNs in 2020,<sup>12</sup> 2021,<sup>13</sup> and 2022<sup>14</sup>) extending the validity of TPS and TPS-related documentation for Honduran beneficiaries. Finally, on June 21, 2023, DHS published a FRN reconsidering and rescinding the prior administration's termination of the Honduras TPS designation. The rescission was effective June 9, 2023, and the new 18-month extension of TPS for Honduras began on January 6, 2024, and will remain in effect through July 5, 2025.<sup>15</sup>

To be eligible for TPS under Honduras' current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since December 30, 1998, and have been continuously physically present in the United States since January 5, 1999. There are currently approximately 72,300<sup>16</sup> beneficiaries and approximately 1,000<sup>17</sup> pending initial applications under Honduras' TPS designation.<sup>18</sup>

**Description of Country Conditions:** Honduras' current TPS designation is based upon the environmental disaster provision in the TPS statute. That provision requires a determination that (1) Honduras continues to experience an environmental disaster; (2) the disaster is causing a substantial, but temporary, disruption of living conditions in the affected area; (3) Honduras is unable, temporarily, to adequately handle the return of its nationals; and (4) Honduras officially requested a TPS designation.<sup>19</sup>

USCIS conducted a thorough review of conditions in Honduras. While Hurricane Mitch was a sudden catastrophe that caused severe flooding and associated damage<sup>20</sup> leading to Honduras' TPS designation, the conditions resulting from Hurricane Mitch no longer cause a substantial,

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<sup>12</sup> On December 9, 2020, DHS automatically extended the validity of TPS-related documentation for nine months through October 4, 2021, for Honduran beneficiaries. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 85 FR 79208.

<sup>13</sup> On September 10, 2021, DHS published a notice for a fifteen-month extension of TPS for aliens from Honduras until December 31, 2022, while the preliminary injunction in *Ramos* and the *Bhattarai* orders remain in effect. Extensions were previously set to expire on October 4, 2021. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 86 FR 30725.

<sup>14</sup> On November 16, 2022, DHS published a notice extending the validity period of TPS for covered aliens from several countries, including Honduras through June 30, 2024. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 87 FR 68717.

<sup>15</sup> *Reconsideration and Rescission of Termination of the Designation of Honduras for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Honduras*, 88 FR 40304 (June 21, 2023); *see also Extension of Re-Registration Periods for Extensions of the Temporary Protected Status Designations of El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 88 FR 86665 (Dec. 14, 2023).

<sup>16</sup> Estimate as of April 7, 2025.

<sup>17</sup> Estimate as of April 7, 2025.

<sup>18</sup> The DHS Office of Homeland Security Statistics has estimated that approximately an additional 920,000 nationals of Honduras have entered the United States and could become newly eligible for TPS if Honduras is newly designated. Estimate as of December 4, 2024.

<sup>19</sup> INA sec. 244(b)(1)(B), (b)(3), 8 U.S.C. § 254a(b)(1)(B), (b)(3).

<sup>20</sup> National Environmental Satellite, Data, and Information Service, 25 Years Later: Looking Back at the October Monster Named Mitch (Oct. 27, 2023), available at: <https://www.nesdis.noaa.gov/news/25-years-later-looking-back-the-october-monster-named-mitch> (last visited Apr. 14, 2025).

## Temporary Protected Status for Honduras

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but temporary, disruption of living conditions in the area affected, and Honduras is no longer temporarily unable to handle adequately the return of its nationals. Honduras has made significant progress recovering from the hurricane's destruction and is now a popular tourism<sup>21</sup> and real estate investment destination.<sup>22</sup> The full USCIS reports, upon which this recommendation is based, can be found in Attachments B and C,<sup>23</sup> and a detailed discussion of these improved country conditions follows.

### Improvements

Honduras has witnessed significant changes in the 26 years since Hurricane Mitch's destruction. Recent reports indicate that 95.7% of Hondurans have access to a basic water source, 83.8% can access basic sanitation, and 93.2% have access to electricity.<sup>24</sup> The World Bank has been helping Honduras address its most pressing needs and development challenges, including supporting the Honduran government's emergency response and post-disaster reconstruction efforts.<sup>25</sup> With international assistance, Honduras has strengthened its disaster management capacity at the municipal and national levels and has improved its capacity to promptly and effectively respond to emergencies.<sup>26</sup> Following disaster management improvements, 18 municipalities adopted risk management and emergency plans, and 38 cities improved their livability, sustainability, and capacity, benefiting 1.3 million people.<sup>27</sup>

Further, new infrastructure projects are set to transform Honduras and create jobs. Foreign direct investment in Honduras increased to \$1.8 billion USD in 2023, a notable rise from the previous year.<sup>28</sup> Honduras is investing in urban infrastructure, focusing on improving informal settlements and expanding land supply.<sup>29</sup> In January 2025, the Honduran government enacted a plan called "Brother, Come Home," which reportedly includes providing monetary and food support and access to employment programs to support Hondurans deported from the United States.<sup>30</sup> This initiative, along with the improved access to basic services and improvements to

<sup>21</sup> ReportLinker, Honduras Tourism Industry Outlook 2024 – 2028, available at: <https://www.reportlinker.com/cip-country/6226-726310> (last visited Apr. 14, 2025).

<sup>22</sup> *Brevitas*, Why Honduras is Gaining Popularity for Real Estate Investment and Airbnb Rentals, Aug. 30, 2024, available at: <https://brevitas.com/articles/2024-8-why-honduras-is-gaining-popularity-for-real-estate-investment-and-airbnb-rentals> (last visited Apr. 14, 2025).

<sup>23</sup> See Attachments B and C.

<sup>24</sup> BTI Transformation Index, Honduras, 2024, available at: [https://bti-project.org/fileadmin/api-content/en/downloads/reports/country\\_report\\_2024\\_HND.pdf](https://bti-project.org/fileadmin/api-content/en/downloads/reports/country_report_2024_HND.pdf) (last visited Apr. 14, 2025).

<sup>25</sup> BTI Transformation Index, Honduras, 2024, available at: [https://bti-project.org/fileadmin/api-content/en/downloads/reports/country\\_report\\_2024\\_HND.pdf](https://bti-project.org/fileadmin/api-content/en/downloads/reports/country_report_2024_HND.pdf) (last visited Apr. 14, 2025).

<sup>26</sup> World Bank Group, Honduras: Overview, Oct. 7, 2024, available at: <https://www.worldbank.org/en/country/honduras/overview#3> (last visited Mar. 26, 2025).

<sup>27</sup> World Bank Group, Honduras: Overview, Oct. 7, 2024, available at: <https://www.worldbank.org/en/country/honduras/overview#3> (last visited Apr. 14, 2025).

<sup>28</sup> The Latin Investor, 14 strong forecasts for real estate in Honduras in 2025, Feb. 6, 2025, available at: <https://thelatininvestor.com/blogs/news/honduras-real-estate-forecasts> (last visited Apr. 14, 2025).

<sup>29</sup> The Latin Investor, 14 strong forecasts for real estate in Honduras in 2025, Feb. 6, 2025, available at: <https://thelatininvestor.com/blogs/news/honduras-real-estate-forecasts> (last visited Apr. 14, 2025).

<sup>30</sup> The Tico Times, Honduras Prepares for Mass Deportations Under Trump, Jan. 26, 2025, available at: <https://ticoetimes.net/2025/01/26/honduras-prepares-for-mass-deportations-under-trump> (last visited Apr. 14, 2025).

## Temporary Protected Status for Honduras

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infrastructure and disaster management, support the analysis that Honduras is able to adequately handle the return of its nationals.

A citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing, in general, an intent to return to their country of residence. In Fiscal Year (FY) 2024, approximately 78,400 Honduran nationals were issued a nonimmigrant visa.<sup>31</sup>

A number of Honduran nationals located inside the United States have requested advance parole documents (APDs) for travel to Honduras, suggesting that nationals may safely travel there. From October 1, 2023 through April 3, 2025, approximately 7,200 Honduran nationals requested APDs, of which around 2,400 were for intended travel to Honduras (34%).<sup>32</sup>

Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently removing aliens to Honduras. From June 21, 2023, through March 2, 2025, ICE removed approximately 71,450 aliens to Honduras.<sup>33</sup> This population is roughly equivalent to the current Honduras TPS population, again indicating that Honduras is able to adequately handle the return of its nationals.

### Population Estimate

Approximately 920,000 nationals of Honduras could potentially be eligible for TPS if Honduras were to be newly designated.<sup>34</sup> Within this population, approximately 450,000 unauthorized aliens entered the United States before January 1, 2022 (a date that the DHS Office of Homeland Security Statistics [OHSS] uses as a baseline for its estimates). Approximately 20,000 nonimmigrants have overstayed since January 1, 2022. Approximately 300,000 aliens were encountered at a border or port of entry since that date without repatriation or relief, and approximately 120,000 aliens entered the United States irregularly since that date and were not apprehended.<sup>35</sup> Approximately 40,000 nonimmigrants in valid status have entered since January 1, 2018.<sup>36</sup>

**Options:** You may take one of the following actions:

<sup>31</sup> Estimates as of March 2025.

<sup>32</sup> Estimates as of April 2025. These figures do not necessarily include TPS beneficiaries, who receive a TPS Travel Authorization Document rather than an Advance Parole Document. USCIS does not collect intended destination country from TPS beneficiaries on form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records.

<sup>33</sup> Estimates as of March 2025.

<sup>34</sup> Estimate as of December 4, 2024.

<sup>35</sup> Although not directly related to the statutory criteria for TPS determinations, DHS records indicate that there are Honduran nationals (or aliens who last habitually resided in Honduras) who are TPS recipients or applicants who are or have been the subject of administrative investigations for fraud, public safety and national security. Of the approximately 72,400 TPS recipients and 1,200 pending applications under TPS for Honduras, there are 18 alien numbers associated with a national security record, 2,195 numbers associated with a fraud record, and 217 numbers associated with a public safety record. One alien number is associated with a known or suspected terrorist (KST) record. Estimates as of April 14, 2025.

<sup>36</sup> Estimate as of December 4, 2024.

## Temporary Protected Status for Honduras

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- 1) *Terminate Honduras' Designation for TPS (USCIS recommends this option based on a review of current conditions in Honduras)*
  - If you determine that Honduras no longer continues to meet the statutory requirements for its TPS designation and/or is contrary to the national interest, you must terminate TPS for Honduras. Termination would end TPS benefits for existing Honduran TPS beneficiaries after publication of a notice in the *Federal Register*. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).
  - If you decide to terminate Honduras' designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.
  
- 2) *No Decision/Automatic Extension*
  - After review of the assessment, you could choose not to make a determination about whether Honduras' TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
  - Should you choose not to make a decision about whether the conditions supporting Honduras' designation continue to be met, an announcement of the automatic extension via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension is required. Note that you would then have to review conditions prior to the expiration of that extension.
  
- 3) *Extend Honduras' Designation for TPS*
  - Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.<sup>37</sup> Honduras was initially designated for TPS on January 5, 1999, based on an environmental disaster that resulted in a substantial, but temporary, disruption of living conditions.
  - Should the decision be made to extend the designation of TPS for Honduras, only existing Honduran TPS beneficiaries may re-register for TPS, and any aliens from Honduras who may have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.<sup>38</sup>

**Signature Level Justification:** At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether

<sup>37</sup> Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. § 254a(b)(1).

<sup>38</sup> In certain circumstances, aliens may apply for TPS for the first time during an extension of the country's TPS designation period. The alien must qualify to file their application late and must independently meet all the TPS eligibility requirements.

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NTPSA2-00000009

## Temporary Protected Status for Honduras

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they continue to meet the conditions for the TPS designation.<sup>39</sup> The statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.<sup>40</sup>

**Timeliness:** You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.<sup>41</sup> For Honduras' designation, which expires on July 5, 2025, you must make a decision by May 6, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.<sup>42</sup> Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures for TPS beneficiaries, their employers, and benefit-granting agencies.

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<sup>39</sup> INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

<sup>40</sup> INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

<sup>41</sup> See INA sec. 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C).

<sup>42</sup> See INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

NTPSA2-00000015

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### Temporary Protected Status for Honduras

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**USCIS Recommendation:** USCIS recommends that TPS for Honduras be terminated based on a review of country conditions which demonstrate clearly that Honduras no longer meets the statutory requirements for TPS designation. Honduras has improved significantly from the impacts of Hurricane Mitch, the environmental disaster upon which it has been designated for TPS. As part of the interagency consultation requirement, DOS has made clear they agree with this recommendation.

Further, USCIS recommends that the statutory minimum of 60 days following publication of the FRN for the effective date for the effective date of the termination, as that provides a sufficient period of time for ending what was statutorily intended to be a temporary program.

#### Secretary's Decision:

1. Terminate: Terminate Honduras' designation

Approve/date \_\_\_\_\_

2. ~~No Decision/Automatic Extension~~: Delay a decision on Honduras' designation, resulting in an extension of 6 months

Approve/date \_\_\_\_\_

3. Extend: Extend Honduras' existing designation for 6, 12, or 18 months

Specify duration of extension (6, 12, or 18 months): \_\_\_\_\_

Approve/date \_\_\_\_\_

#### Attachments:

- Attachment A: Temporary Protected Status (TPS) Legal Authority, Honduras
- Attachment B: USCIS RAIO Country Conditions Report, Honduras
- Attachment C: USCIS OP&S Country Conditions Report, Honduras
- Attachment D: DOS Recommendation on TPS for Honduras

# EXHIBIT C

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director  
Camp Springs, MD 20588-0009



U.S. Citizenship  
and Immigration  
Services

May 1, 2025

**DECISION**

MEMORANDUM FOR THE SECRETARY

FROM: Kika M. Scott KIKA M SCOTT Digitally signed by Kika M SCOTT  
Date: 2025.05.01 18:02:15 -0400  
Senior Official Performing the Duties of Director

SUBJECT: **Temporary Protected Status for Nicaragua**

**Recommendation:** U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of termination for the Temporary Protected Status (TPS) designation for Nicaragua based on a review of current conditions in Nicaragua.

**Purpose:** Nicaragua’s existing TPS designation will expire July 5, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.<sup>1</sup> If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation.<sup>2</sup> If the Secretary does not make a timely decision about whether the country no longer meets the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.<sup>3</sup> Accordingly, USCIS has completed a review of the conditions in Nicaragua to inform the consideration of the TPS action and is presenting a recommendation of termination for your consideration.

As part of the review process, USCIS consulted with the Department of State (DOS) in two instances. In a report and recommendation received on December 31, 2024, the prior DOS Secretary recommended an 18-month extension of TPS for Nicaragua based on environmental disaster and a new designation of TPS for Nicaragua based on extraordinary and temporary conditions.<sup>4</sup> A new designation would move up the eligibility dates to cover aliens who arrived after the previous TPS designation. Since receiving that recommendation, DHS requested an

<sup>1</sup> Immigration and Nationality Act (INA) sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). *See generally* Attachment A: Temporary Protected Status Legal Authority.

<sup>2</sup> INA sec. 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

<sup>3</sup> INA sec. 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

<sup>4</sup> *See* Attachment D: 2024 DOS Recommendation and Country Conditions Report on TPS for Nicaragua.

## Temporary Protected Status for Nicaragua

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updated recommendation of current country conditions from DOS from its current Secretary. As of May 1<sup>st</sup>, 2025, USCIS has not received an updated recommendation from DOS. For the reasons set forth below, we agree that ample information on the current country conditions in Nicaragua support TPS termination.

Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed. The statute inherently contemplates advance notice of a termination by requiring the Secretary to make a decision at least 60 days before the current expiration date and delaying the effective termination date by at least 60 days after publication of a *Federal Register* notice of the termination or, if later, the existing expiration date.<sup>5</sup>

**TPS Overview:** Nicaragua was initially designated for TPS on January 5, 1999, based on Hurricane Mitch in 1998, that resulted in substantial, but temporary, disruption of living conditions.<sup>6</sup> The designation had been continuously extended since its initial designation until November 6, 2017, when former Acting Secretary of Homeland Security Elaine Duke announced her decision to terminate Nicaragua's TPS designation with a 12 month delayed effective date.<sup>7</sup> In December 2017, DHS published the termination of TPS for Nicaragua to be effective January 5, 2019, finding that the disruption of living conditions from the 1998 hurricane had decreased and that Nicaragua no longer met the conditions for designation of TPS.<sup>8</sup> However, in response to litigation, DHS announced on March 1, 2019, that it would not implement or enforce the decision to terminate TPS for Nicaragua. DHS instead continued the validity of TPS-related documentation for Nicaraguan beneficiaries through January 2, 2020.<sup>9</sup> On November 4, 2019, to comply with ongoing litigation, DHS further continued and extended TPS-related documentation for Nicaraguans through January 4, 2021.<sup>10</sup> While litigation continued, DHS published three additional *Federal Register*

<sup>5</sup> See INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3).

<sup>6</sup> *Designation of Nicaragua Under Temporary Protected Status*, 64 FR 526 (Jan. 5, 1999).

<sup>7</sup> DHS Press Release, *Acting Secretary Elaine Duke Announcement on Temporary Protected Status for Nicaragua and Honduras*, available at: <https://www.dhs.gov/archive/news/2017/11/06/acting-secretary-elaine-duke-announcement-temporary-protected-status-nicaragua-and-honduras>.

<sup>8</sup> *Termination of the Designation of Nicaragua for Temporary Protected Status*, 82 FR 59636 (Dec. 15, 2017).

<sup>9</sup> Pursuant to an order to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731, pending resolution of related claims being litigated before the Ninth Circuit Court of Appeals in *Ramos v. Nielsen*, No. 18-16981, DHS published a notice that it will not implement or enforce the decision to terminate TPS for Nicaragua. TPS Beneficiaries from Nicaragua retained TPS, provided that an individual's TPS status is not withdrawn because of ineligibility. See *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019) and *Ramos v. Nielsen*, 326 F. Supp. 3d 1075 (N.D. Cal. 2018). See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Sudan, Nicaragua, Haiti, and El Salvador*, 84 FR 7103 (March 1, 2019).

<sup>10</sup> To comply with the preliminary injunctions issued in *Ramos v. Nielsen* and *Saget v. Trump* and the order to stay proceedings in *Bhattarai v. Nielsen*. See *Saget v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019). See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 84 FR 59403 (Nov. 4, 2019).

## Temporary Protected Status for Nicaragua

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Notices (FRNs in 2020,<sup>11</sup> 2021,<sup>12</sup> and 2022<sup>13</sup>) extending the validity of TPS and TPS-related documentation for Nicaraguan beneficiaries. Finally, on June 21, 2023, DHS published an FRN reconsidering and rescinding the prior administration's termination of the Nicaragua TPS designation. The rescission was effective June 9, 2023, and the new 18-month extension of TPS for Nicaragua began on January 6, 2024, and will remain in effect through July 5, 2025.<sup>14</sup>

To be eligible for TPS under Nicaragua's current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since December 30, 1998, and have been continuously physically present in the United States since January 5, 1999. There are currently approximately 4,000<sup>15</sup> beneficiaries and approximately 300<sup>16</sup> pending initial applications under Nicaragua's TPS designation.<sup>17</sup>

**Description of Country Conditions:** Nicaragua's current TPS designation is based upon the environmental disaster provision in the TPS statute. That provision requires a determination that (1) Nicaragua continues to experience an environmental disaster; (2) the disaster is causing a substantial, but temporary, disruption of living conditions in the affected area; (3) Nicaragua is unable, temporarily, to adequately handle the return of its nationals; and (4) Nicaragua officially requested a TPS designation.<sup>18</sup>

USCIS conducted a thorough review of conditions in Nicaragua. While Hurricane Mitch was a sudden catastrophe 26 years ago that caused severe flooding and associated damage<sup>19</sup> leading to Nicaragua's TPS designation, the conditions resulting from Hurricane Mitch no longer cause a substantial, but temporary, disruption of living conditions, and Nicaragua is able to handle adequately the return of its nationals. Nicaragua has made significant progress recovering from the hurricane's destruction over the past two and half decades with the help of the international

<sup>11</sup> On December 9, 2020, DHS automatically extended the validity of TPS-related documentation for nine months through October 4, 2021, for Honduran aliens. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 85 FR 79208.

<sup>12</sup> On September 10, 2021, DHS published a notice for a fifteen-month extension of TPS for aliens from Nicaragua until December 31, 2022, while the preliminary injunction in *Ramos* and the *Bhattarai* orders remained in effect. Extensions were previously set to expire on October 4, 2021. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 86 FR 50725.

<sup>13</sup> On November 16, 2022, DHS published a notice extending the validity period of TPS for covered aliens from several countries, including Nicaragua, June 30, 2024. *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 87 FR 68717.

<sup>14</sup> *Reconsideration and Rescission of Termination of the Designation of Nicaragua for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nicaragua*, 88 FR 40294 (June 21, 2023). See also *Extension of Re-Registration Periods for Extensions of the Temporary Protected Status Designations of El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 88 FR 86665 (Dec. 14, 2023).

<sup>15</sup> Estimate as of April 7, 2025.

<sup>16</sup> Estimate as of April 7, 2025.

<sup>17</sup> The DHS Office of Homeland Security Statistics has estimated that approximately an additional 485,000 Nicaraguan nationals have entered the United States and could become newly eligible for TPS if Nicaragua is newly designated. Estimate as of February 2025.

<sup>18</sup> INA sec. 244(b)(1)(B), (b)(3).

<sup>19</sup> National Environmental Satellite, Data, and Information Service, 25 Years Later: Looking Back at the October Monster Named Mitch (Oct. 27, 2023), available at: <https://www.nesdis.noaa.gov/news/25-years-later-looking-back-the-october-monster-named-mitch> (last visited Apr. 14, 2025).

## Temporary Protected Status for Nicaragua

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community<sup>20</sup> and is now a growing tourism, ecotourism, agriculture, and renewable energy leader.<sup>21</sup> The full USCIS reports, upon which this recommendation is based, can be found in Attachments B and C,<sup>22</sup> and a detailed discussion of these improved country conditions follows.

### Improvements

Since the original 1999 TPS designation, Nicaragua has seen improvements in its infrastructure with projects focusing on road construction, school infrastructure, and health access.

Nicaragua has successfully completed projects for roads ( \$131.8 million USD), education (\$69 million USD), and land administration ( \$50 million USD).<sup>23</sup> Nicaragua has constructed three key bridges to mitigate flooding, as well as developed over 200 km (approximately 124 miles) of roads.<sup>24</sup> The Nicaragua Catastrophe Risk Insurance Project has improved land administration and management, and further investment projects have helped with housing, food insecurity, and restoring the health sector.<sup>25</sup>

Nicaragua has become a worldwide tourist destination, while also promoting sustainability and revitalizing local communities.<sup>26</sup> Technological innovation is empowering local farmers and fishers, making the agriculture industry more competitive and profitable. In its 2024 investment climate statement for Nicaragua, the U.S. Department of State reported, “Despite repression and growing poverty, Nicaragua continues to show stable macroeconomic fundamentals, including a record-high \$5 billion in foreign reserves, a sustainable debt load, and a well-capitalized banking sector.”<sup>27</sup>

A citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing, in general, an intent to return to their country of residence. In Fiscal Year (FY) 2024, approximately 17,500 Nicaraguan nationals were issued a nonimmigrant visa.<sup>28</sup>

A number of Nicaraguan nationals located inside the United States have requested advance parole documents (APDs) for travel to Nicaragua, suggesting that nationals may safely travel there. From

<sup>20</sup> ProVention Consortium, Learning from Recovery after Hurricane Mitch: Experience from Nicaragua (Jan. 26, 2010), available at: [https://www.preventionweb.net/files/12455\\_LearningfromMitchsummary1.pdf](https://www.preventionweb.net/files/12455_LearningfromMitchsummary1.pdf) (last visited Apr. 14, 2025).

<sup>21</sup> The Business Magnate, Nicaragua’s Lucrative Industries: Driving Economic Growth and Development, available at: <https://thebusinessmagnate.com/nicaraguas-lucrative-industries-driving-economic-growth-and-development/> (last visited Apr. 14, 2025).

<sup>22</sup> See Attachments B and C.

<sup>23</sup> World Bank Group, The World Bank in Nicaragua: Overview, Oct. 8, 2024, available at: <https://www.worldbank.org/en/country/nicaragua/overview#3> (last visited Apr. 14, 2025).

<sup>24</sup> World Bank Group, The World Bank in Nicaragua: Overview, Oct. 8, 2024, available at: <https://www.worldbank.org/en/country/nicaragua/overview#3> (last visited Apr. 14, 2025).

<sup>25</sup> World Bank Group, The World Bank in Nicaragua: Overview, Oct. 8, 2024, available at: <https://www.worldbank.org/en/country/nicaragua/overview#3> (last visited Apr. 14, 2025).

<sup>26</sup> Outlook Travel, Nicaragua: Tourism Insights, Oct. 4, 2024, available at: <https://www.outlooktravelmag.com/travel-guides/central-america/nicaragua/nicaragua-tourism-insights/> (last visited Apr. 14, 2024).

<sup>27</sup> U.S. Department of State, 2024 Investment Climate Statements: Nicaragua, 2024, available at: <https://www.state.gov/reports/2024-investment-climate-statements/nicaragua/> (last visited Mar. 19, 2025).

<sup>28</sup> Estimates as of March 2025.

## Temporary Protected Status for Nicaragua

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October 1, 2023, through April 3, 2025, approximately 920 Nicaraguan nationals requested APDs, of which around 625 were for intended travel to Nicaragua (68%).<sup>29</sup>

Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently removing aliens to Nicaragua. From June 21, 2023, through March 2, 2025, ICE removed approximately 5,300 aliens to Nicaragua.<sup>30</sup> This removed population is larger than the current Nicaragua TPS population, indicating that Nicaragua is able to adequately handle the return of its nationals.

### Population Estimate

Approximately 485,000 nationals of Nicaragua could potentially be newly eligible for TPS if Nicaragua were to be newly designated.<sup>31</sup> Within this population, approximately 58,000 unauthorized aliens entered the United States before January 1, 2022 (a date that the DHS Office of Homeland Security Statistics (OHSS) uses as a baseline for its estimates). Approximately 5,000 nonimmigrants have overstayed since January 1, 2022. Approximately 326,000 aliens were encountered at a border or port of entry since that date without repatriation or relief, and approximately 89,000 aliens entered the United States unlawfully since that date and were not apprehended.<sup>32</sup> Approximately 7,000 nonimmigrants in valid status have entered since January 1, 2018.<sup>33</sup>

**Options:** You may take one of the following actions:

- 1) *Terminate Nicaragua's Designation for TPS (USCIS recommends this option based on a review of current conditions in Nicaragua)*
  - If you determine that Nicaragua no longer meets the statutory requirements for its TPS designation and/or is contrary to the national interest, you must terminate TPS for Nicaragua. Termination would end TPS benefits for existing Nicaraguan TPS beneficiaries after publication of a notice in the *Federal Register*. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).

<sup>29</sup> Estimates as of April 2025. These figures do not necessarily include TPS beneficiaries, who receive a TPS Travel Authorization Document rather than an Advance Parole Document. USCIS does not collect intended destination country from TPS beneficiaries on form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records.

<sup>30</sup> Estimates as of March 2025.

<sup>31</sup> Estimate as of February 27, 2025. A new designation would advance the continuous residence date from Dec. 30, 1998, to a more recent date, which would make any Nicaraguan nationals who have been continuously residing in the United States since before that time potentially eligible for TPS. This is different from an extension, which would keep the continuous residence date unchanged and therefore extend TPS only for current beneficiaries.

<sup>32</sup> Although not directly related to the statutory criteria for TPS determinations, DHS records indicate that there are Nicaraguan nationals (or aliens who last habitually resided in Nicaragua) who are TPS recipients or applicants who are or have been the subject of administrative investigations for fraud, public safety and national security. Of the TPS recipients or applicants, there are 3 alien numbers associated with a national security record, 55 numbers associated with a fraud record, and 9 numbers associated with a public safety record. No alien numbers are associated with a known or suspected terrorist (KST) record. Estimates as of April 14, 2025.

<sup>33</sup> Estimate as of December 4, 2024.

## Temporary Protected Status for Nicaragua

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- If you decide to terminate Nicaragua’s designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.
- 2) *No Decision/Automatic Extension*
- After review of the assessment, you could choose not to make a determination about whether Nicaragua’s TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
  - Should you choose not to make a decision about whether the conditions supporting Nicaragua’s designation continue to be met, an announcement of the automatic extension via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension is required. Note that you would then have to review conditions prior to the expiration of that extension.
- 3) *Extend Nicaragua’s Designation for TPS*
- Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.<sup>34</sup> Nicaragua was initially designated for TPS on January 5, 1999, based on an environmental disaster that resulted in a substantial, but temporary, disruption of living conditions.
  - Should the decision be made to extend the designation of TPS for Nicaragua, only existing Nicaraguan TPS beneficiaries may re-register for TPS, and any aliens from Nicaragua who may have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.<sup>35</sup>

**Signature Level Justification:** At least 60 days before the expiration of a foreign state’s TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.<sup>36</sup> The statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.<sup>37</sup>

**Timeliness:** You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.<sup>38</sup> For Nicaragua’s designation, which expires on July 5, 2025, you must make a decision by May 6, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal*

<sup>34</sup> Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

<sup>35</sup> In certain circumstances, aliens may apply for TPS for the first time during an extension of the country’s TPS designation period. The alien must qualify to file their application late and must independently meet all the TPS eligibility requirements.

<sup>36</sup> INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

<sup>37</sup> INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

<sup>38</sup> See INA sec. 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C).

### Temporary Protected Status for Nicaragua

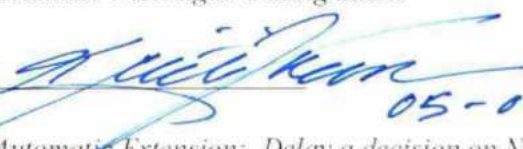
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*Register*.<sup>39</sup> Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures for TPS beneficiaries, their employers, and benefit-granting agencies.

**USCIS Recommendation:** USCIS recommends that TPS for Nicaragua be terminated based on a review of country conditions which demonstrate clearly that Nicaragua no longer meets the statutory requirements for TPS designation. Nicaragua has improved significantly from the impacts of Hurricane Mitch, the environmental disaster upon which it has been designated for TPS. Further, USCIS recommends that the statutory minimum of 60 days following publication of the FRN for the effective date for the effective date of the termination, as that provides a sufficient period of time for ending what was statutorily intended to be a temporary program.

#### Secretary's Decision:

1. Terminate: Terminate Nicaragua's designation

Approve/date  05-05-25

2. No Decision/Automatic Extension: Delay a decision on Nicaragua's designation, resulting in an extension of 6 months

Approve/date \_\_\_\_\_

3. Extend: Extend Nicaragua's existing designation for 6, 12, or 18 months

Specify duration of extension (6, 12, or 18 months): \_\_\_\_\_

Approve/date \_\_\_\_\_

#### Attachments:

- Attachment A: Temporary Protected Status Legal Authority, Nicaragua
- Attachment B: USCIS RAIO Country Conditions Report, Nicaragua
- Attachment C: USCIS OP&S Country Conditions Report, Nicaragua
- Attachment D: 2024 DOS Recommendation and Country Conditions Report on TPS for Nicaragua

<sup>39</sup> See INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

# EXHIBIT D

PRE-DECISIONAL/DELIBERATIVE

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director  
Camp Springs, MD 20588-0009



U.S. Citizenship  
and Immigration  
Services

April 16, 2025

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: Kika M. Scott KIKI M  
Senior Official Performing the Duties of Director SCOTT

SUBJECT: Temporary Protected Status for Nepal

Digitally signed by KIKI  
M SCOTT  
Date: 2025.04.16  
16:24:18 -0400

**Recommendation:** U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of termination of Temporary Protected Status (TPS) for Nepal for your consideration.

**Purpose:** Nepal’s existing designation for TPS will expire June 24, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.<sup>1</sup> If the Secretary determines that the country no longer meets the statutory conditions for designation, she must terminate the designation.<sup>2</sup> If the Secretary does not make a timely decision about whether the country no longer meets the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.<sup>3</sup> Accordingly, USCIS has completed a review of the conditions in Nepal to inform the consideration of the TPS action and is presenting a recommendation of termination for your consideration.

As part of the review process, USCIS consulted with the Department of State (DOS). USCIS received a DOS recommendation and report dated January 16, 2025. Based on the DOS country conditions report, the former Secretary of State recommended termination of TPS given there is no longer an environmental disaster in Nepal causing a substantial, but temporary, disruption of living conditions, and that Nepal is currently able to adequately handle the return of its

<sup>1</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(A); see also Attachment A: Temporary Protected Status Legal Authority.

<sup>2</sup> See INA sec. 244(b)(3)(B).

<sup>3</sup> See INA sec. 244(b)(3)(C).

## PRE-DECISIONAL/DELIBERATIVE

## Temporary Protected Status for Nepal

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nationals.<sup>4</sup> The former Secretary of State recommended a delayed effective date of 18 months to provide time for both beneficiaries and the government of Nepal to prepare for returns.

For the reasons set forth below, USCIS agrees that ample information on the current country conditions in Nepal support TPS termination. However, USCIS does not agree that an 18-month delayed effective date of the termination is necessary. Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed. The statute inherently contemplates advance notice of a termination by requiring the Secretary to make a decision at least 60 days before the current expiration date and delaying the effective termination date by at least 60 days after publication of a *Federal Register* notice of the termination or, if later, the existing expiration date. See INA sec. 244(b)(3), (d)(3); 8 U.S.C. 1254a(b)(3), (d)(3).<sup>5</sup>

**TPS Overview:** Nepal was initially designated for TPS on June 24, 2015 based on an earthquake that a former Secretary determined resulted in substantial, but temporary, disruption of living conditions.<sup>6</sup> DHS then extended the designation for a period of 18 months, effective December 25, 2016, through June 24, 2018.<sup>7</sup> On April 26, 2018, DHS announced the termination of TPS for Nepal to be effective June 24, 2019, finding that the disruption of living conditions from the 2015 earthquake had decreased and were no longer substantial.<sup>8</sup> However, in response to litigation, DHS announced on May 10, 2019, that it would not implement or enforce the decision to terminate TPS for Nepal. DHS instead continued and extended the validity of TPS-related documentation for TPS beneficiaries from Nepal through March 24, 2020.<sup>9</sup> On November 4, 2019, to comply with ongoing litigation, DHS further continued and

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<sup>4</sup> See Attachment C: DOS Recommendation and Country Conditions Report on TPS for Nepal.

<sup>5</sup> The TPS statute does authorize DHS to allow for an extended winddown period “as the [Secretary] determines to be appropriate in order to provide for an orderly transition.” INA sec. 244(d)(3). Certain previous TPS terminations allowed for an extended transition, especially in the case of TPS designations that had been extended numerous times over the course of many years. See, e.g., *Termination of the Designation of El Salvador for Temporary Protected Status*, 83 FR 2654 (Jan. 18, 2018) (nearly 17 years, with 18-month transition period); *Termination of the Designation of Sudan for Temporary Protected Status*, 82 FR 47228 (Oct. 11, 2017) (20 years, with 12-month orderly transition period); *Termination of the Designation of Sierra Leone Under the Temporary Protected Status Program; Extension of Employment Authorization Documentation*, 68 FR 52407 (Sept. 3, 2003) (nearly 6 years, with 6-month orderly transition period); *Six-Month Extension of Temporary Protected Status Benefits for Orderly Transition Before Termination of Liberia’s Designation for Temporary Protected Status*, 81 FR 66059 (Sept. 26, 2016) (nearly 2 years, with 6-month orderly transition period). Those countries, however, generally had been designated for TPS for longer periods. At the same time, certain other TPS designations were terminated without allowing for an extended transition period. See, e.g., *Termination of Designation of Angola Under the Temporary Protected Status Program*, 68 FR 3896 (Jan. 27, 2003) (nearly 3 years, no orderly transition period); *Termination of Designation of Lebanon Under Temporary Protected Status Program*, 58 FR 7582 (Feb. 8, 1993) (2 years, no extended transition period).

<sup>6</sup> See *Designation of Nepal for Temporary Protected Status*, 80 FR 36346 (June 24, 2015).

<sup>7</sup> See *Extension of the Designation of Nepal for Temporary Protected Status*, 81 FR 74470 (Oct. 26, 2016).

<sup>8</sup> See *Termination of the Designation of Nepal for Temporary Protected Status*, 83 FR 23705 (May 22, 2018).

<sup>9</sup> Pursuant to an order to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731, pending resolution of related claims being litigated before the Ninth Circuit Court of Appeals in *Ramos v. Nielsen*, No. 18-16981, DHS published

PRE-DECISIONAL/DELIBERATIVE

NTPSA2-0000027

## PRE-DECISIONAL/DELIBERATIVE

## Temporary Protected Status for Nepal

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extended TPS-related documentation for TPS beneficiaries from Nepal through January 4, 2021.<sup>10</sup> While litigation continued, DHS published three additional Federal Register Notices (FRNs) (in 2020,<sup>11</sup> 2021,<sup>12</sup> and 2022<sup>13</sup>) extending the validity of TPS-related documentation for beneficiaries under the TPS designation of Nepal. Finally, on June 21, 2023, DHS published an FRN reconsidering and rescinding the prior administration's termination of Nepal TPS. The rescission was effective June 9, 2023, and the new 18-month extension of TPS for Nepal began on December 25, 2023, and will remain in effect through June 24, 2025.<sup>14</sup>

To be eligible for TPS under Nepal's current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since June 24, 2015, and have been continuously physically present in the United States since June 24, 2015. There are currently approximately 12,700<sup>15</sup> beneficiaries and approximately 70<sup>16</sup> pending applications under Nepal's TPS designation.<sup>17</sup>

**Description of Country Conditions:** Nepal's TPS designation is based upon an environmental

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a notice that it will not implement or enforce the decision to terminate TPS for Nepal. TPS beneficiaries from Nepal retained TPS, provided that an alien's TPS status is not withdrawn because of ineligibility. DHS extended the validity of TPS-related documentation for TPS beneficiaries from Nepal through March 24, 2020. See *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019); *Ramos v. Nielsen*, 326 F. Supp. 3d 1075 (N.D. Cal. 2018); see also *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for Nepal and Honduras*, 84 FR 20647 (May 10, 2019).

<sup>10</sup> To comply with the preliminary injunctions issued in *Ramos v. Nielsen* and *Saget v. Trump* and the order to stay proceedings in *Bhattarai v. Nielsen*. See *Saget v. Trump*, 375 F. Supp 3d 280 (E.D.N.Y. 2019); see also *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 84 FR 59403 (Nov. 11, 2019).

<sup>11</sup> On December 9, 2020, DHS automatically extended the validity of TPS-related documentation for nine months through October 4, 2021, for TPS beneficiaries from Nepal. See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 85 FR 79208 (Dec. 9, 2020).

<sup>12</sup> On September 10, 2021, DHS published notice for a fifteen-month extension of TPS for aliens from Nepal until December 31, 2022, while the preliminary injunction in *Ramos* and the *Bhattarai* orders remain in effect. Extensions were previously set to expire on October 4, 2021. See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 86 FR 50725 (Sept. 10, 2021).

<sup>13</sup> On November 16, 2022, DHS published a FRN extending the validity period of TPS for covered aliens from several countries, including Nepal, June 30, 2024. See *Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 87 FR 68717 (Nov. 16, 2022).

<sup>14</sup> See *Reconsideration and Rescission of Termination of the Designation of Nepal for Temporary Protected Status; Extension of the Temporary Protected Status Designation for Nepal*, 88 FR 40317 (Jun. 21, 2023); see also *Extension of Re-Registration Periods for Extensions of the Temporary Protected Status Designations of El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan*, 88 FR 86665 (Dec. 14, 2023).

<sup>15</sup> Estimate as of March 11, 2025. Of those 12,700 beneficiaries, approximately 5,500 have become lawful permanent residents.

<sup>16</sup> Estimate as of March 11, 2025.

<sup>17</sup> The DHS Office of Homeland Security Statistics has estimated that an additional 71,000 nationals of Nepal who have entered the United States since June 24, 2015, could become newly eligible for TPS if Nepal were to be newly designated. This estimate is as of January 31, 2025.

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disaster provision in the TPS statute. That provision requires a determination that (1) Nepal continues to experience an environmental disaster; (2) the disaster is causing a substantial, but temporary, disruption in the affected area; (3) Nepal is unable, temporarily, to adequately handle the return of its nationals; and (4) Nepal officially requested a TPS designation.<sup>18</sup>

USCIS and DOS each conducted a thorough review of conditions in Nepal. The full USCIS and DOS reports, upon which this recommendation is based, can be found in Attachments B and C, respectively, and a synopsis follows.

While parts of Nepal continue to experience challenges associated with the 2015 earthquake, there is no longer an environmental disaster or other situation causing substantial, but temporary, disruption of living conditions. Specifically, the impacts of the 2015 earthquake that were the basis for the initial 2015 TPS designation no longer prevent Nepal's nationals from returning in safety. Nepal has made significant progress recovering from the earthquake's destruction. A detailed discussion of these improved country conditions follows.

Improvements

The recovery efforts of the Government of Nepal and the international community have addressed the significant damage from the April 25, 2015, earthquake. Per the Government of Nepal's September 2024 Disaster Report on reconstruction, 88.36% of damaged households have been rebuilt.<sup>19</sup> According to the Internal Displacement Monitoring Centre, while some of the people displaced by the earthquake continue to experience ongoing socioeconomic impacts, 90% of the surveyed internally displaced people had bought a new home.<sup>20</sup> In the health sector, 81.43% of damaged facilities have been reconstructed.<sup>21</sup> The World Bank and other donors built more than 300,000 houses and provided technical assistance to communities and local governments.<sup>22</sup> Nepal's National Reconstruction Authority disbanded in 2021 after most impacted structures were rebuilt.<sup>23</sup>

<sup>18</sup> INA sec. 244(b)(1)(B), (b)(3).

<sup>19</sup> See Government of Nepal Ministry of Home Affairs, Nepal Disaster Report, September 2024, available at: [https://bipad.gov.np/uploads/publication\\_pdf/Nepal\\_Disaster\\_Report\\_Final\\_2024.pdf](https://bipad.gov.np/uploads/publication_pdf/Nepal_Disaster_Report_Final_2024.pdf) (last visited March 18, 2025).

<sup>20</sup> See Internal Displacement Monitoring Centre, Disaster Displacement: Nepal Country Briefing (Dec. 13, 2022), available at: <https://www.internal-displacement.org/publications/disaster-displacement-nepal-country-briefing/> (last visited March 19, 2025).

<sup>21</sup> See Government of Nepal Ministry of Home Affairs, Nepal Disaster Report, September 2024, available at: [https://bipad.gov.np/uploads/publication\\_pdf/Nepal\\_Disaster\\_Report\\_Final\\_2024.pdf](https://bipad.gov.np/uploads/publication_pdf/Nepal_Disaster_Report_Final_2024.pdf) (last visited March 18, 2025).

<sup>22</sup> See World Bank, Nepal – Earthquake Housing Reconstruction Project: Final Implementation Review and Support, March 2023, available at: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099050823052022936/p1559690634ae900f08b5d062bf08a958f6> (last visited March 18, 2025).

<sup>23</sup> See Lessons in Earthquake Reconstruction: Five Proven Approaches from Nepal, The World Bank, Dec. 1, 2021, available at: <https://www.worldbank.org/en/news/feature/2021/12/01/lessons-in-earthquake-reconstruction-five-proven-approaches-from-nepal#:~:text=The%20World%20Bank's%20Earthquake%20Housing,million%20Multi%20donor%20Trust%20Fund> (last visited March 18, 2025); see also Resource Guide: Nepal's Journey from Post-Earthquake Reconstruction to Resilience, The World Bank, available at: <https://www.worldbank.org/en/country/nepal/brief/post-earthquake-reconstruction-in-nepal> (last visited March 18, 2025).

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Though Nepal has continued to experience subsequent environmental events, including flooding and landslides, the government has made improvements to its preparedness and response capacity. Similar progress has been made in building disaster-resilient housing, infrastructure, and community systems, creating a safer and more stable environment for returnees.<sup>24</sup>

Conditions in Nepal have improved in several areas. Overall conditions now broadly resemble what they were pre-earthquake. Though Nepal remains one of the poorest countries in the world, its GDP grew two percent from Fiscal Year (FY) 2023 to FY 2024.<sup>25</sup> Nepal's economic growth has been steady in recent years and is forecast to grow at a rate of 4.9% this year.<sup>26</sup> Nepal's expected GDP growth in 2025 is due to several factors, including robust agricultural outputs, a surge in tourism, increased electricity production, and better monetary policies.<sup>27</sup> In 2024, inflation also decreased<sup>28</sup> and purchasing power of lower-income households increased.<sup>29</sup> Nepal's Finance Minister has noted his country's economic recovery, citing increased money transfers from overseas, bank liquidity, and foreign reserves while addressing past challenges like high capital expenditure arrears and declining industrial production.<sup>30</sup> Nepal is focused on restoring investor confidence, supporting entrepreneurship, and reviving closed industries.<sup>31</sup>

In recent years, a growing number of nationals from Nepal have demonstrated their intent to return to Nepal by applying for visas to temporarily come to the United States. Specifically, a citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing an intent to return to their home country. In FY 2024, approximately 42,100 nationals from Nepal were issued a nonimmigrant visa, an increase from the approximately 39,800 in FY 2023. In FY 2024, there were approximately 57,770 nonimmigrant admissions of nationals from Nepal, demonstrating an increase from the approximately 47,600 admissions during the previous FY.<sup>32</sup>

<sup>24</sup> See Asian Development Bank, Asian Development Bank and Nepal: Fact Sheet, August 2024, available at: <https://www.adb.org/publications/nepal-fact-sheet> (last visited March 18, 2025).

<sup>25</sup> See Nepal Development Update (October 2024), The World Bank, available at: <https://www.worldbank.org/en/country/nepal/publication/nepaldevelopmentupdate> (last visited March 19, 2025).

<sup>26</sup> See Nepal GDP: \$148 Billion, World Economics, available at: <https://www.world-economics.com/GrossDomesticProduct/Real-GDP-PPP/Nepal.aspx> (last visited March 26, 2025).

<sup>27</sup> See The Rising Nepal, January 9, 2025, available at: <https://risingnepaldaily.com/news/55110> (last visited March 18, 2025).

<sup>28</sup> See Nepal Development Update (October 2024), The World Bank, available at: <https://www.worldbank.org/en/country/nepal/publication/nepaldevelopmentupdate> (last visited March 19, 2025).

<sup>29</sup> See Situation Report on Nepal's Agrifood Systems (July 2024), Feed the Future, available at: <https://csisa.org/wp-content/uploads/sites/2/2024/08/240801-CSISA-SIT-REP-JUL.pdf> (last visited March 19, 2025).

<sup>30</sup> See Nepal News, December 12, 2024, available at: <https://nepalnews.com/s/politics/interview-economy-on-recovery-path-country-will-make-a-leap-towards-prosperity-in-this-term-itself-says-dpm-and-finance-minister-paudel/> (last visited March 18, 2025).

<sup>31</sup> *Id.*

<sup>32</sup> Estimates as of March 2025.

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Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently returning nationals to Nepal. ICE has removed approximately 600 nationals of Nepal since its initial designation in June 2015, with 20 nationals returned in 2025.<sup>33</sup>

National Security Considerations

Regarding public and national security, DHS records indicate that there are TPS beneficiaries from Nepal who have been the subject of administrative investigations for fraud, public safety and national security. Of the current 12,700 TPS recipients from Nepal, there are 59 national security records, 287 fraud records, and 9 public safety records. One is a known or suspected terrorist.<sup>34</sup>

**Options:** Your options include the following actions:

- 1) *Terminate Nepal's Designation for TPS (USCIS recommends this option based on current conditions in Nepal)*
  - If you determine that Nepal no longer continues to meet the statutory requirements for its TPS designation, you must terminate TPS for Nepal. Termination would end TPS benefits for existing TPS beneficiaries from Nepal after notice in the *Federal Register*. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).
  - If you decide to terminate Nepal's designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.
- 2) *No Decision/Automatic Extension*
  - After review of the assessment, you could choose not to make a determination about whether Nepal's TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
  - Should you choose not to make a decision about whether the conditions supporting Nepal's designation continue to be met, an announcement of the automatic extension is required via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension. Note that you would then have to review conditions prior to the expiration of that extension.

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<sup>33</sup> OPS PRD Report

<sup>34</sup> Estimates as of March 2025.

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3) *Extend Nepal's Designation for TPS*

- Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.<sup>35</sup> Nepal was initially designated for TPS on June 24, 2015 based on an environmental disaster that resulted in a substantial, but temporary, disruption of living conditions.
- Should the decision be made to extend the designation of TPS for Nepal, only existing TPS beneficiaries may re-register for TPS, and any aliens from Nepal who may have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.<sup>36</sup>

**Signature Level Justification:** The decision to designate any foreign state (or part thereof) is a discretionary decision, and the statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.<sup>37</sup> At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.<sup>38</sup>

**Timeliness:** You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.<sup>39</sup> For Nepal's designation, which expires on June 24, 2025, you must make a decision by April 25, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.<sup>40</sup> Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures for TPS beneficiaries, their employers, and benefit-granting agencies.

<sup>35</sup> Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

<sup>36</sup> In certain circumstances, aliens may apply for TPS for the first time during an extension of the country's TPS designation period. The alien must qualify to file their application late and must independently meet all the TPS eligibility requirements.

<sup>37</sup> INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

<sup>38</sup> INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

<sup>39</sup> See INA sec. 244(b)(3)(A), (C).

<sup>40</sup> See INA sec. 244(b)(3)(A).

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**USCIS Recommendation:** USCIS has concluded that TPS for Nepal should be terminated following a review of the material from DOS and a review of the reporting discussed above, noting improvements in country conditions. Given the preparedness and ability of the government of Nepal to accept the return of its nationals, USCIS recommends that the statutory minimum of 60 days following publication of the FRN for the effective date of the termination is sufficient for an orderly period of transition and that the delayed effective date of 18 months recommended by the Department of State is not necessary.

**Secretary's Decision:**

- 1. Terminate: Terminate Nepal's designation

Approve/date  04-23-25

- 2. No Decision/Automatic Extension: Delay a decision on Nepal's designation, resulting in an extension of 6 months

Approve/date \_\_\_\_\_

- 3. Extend: Extend Nepal's existing designation for 6, 12, or 18 months

Specify duration of extension (6, 12, or 18 months): \_\_\_\_\_

Approve/date \_\_\_\_\_

**Attachments:**

- Attachment A: Temporary Protected Status Legal Authority
- Attachment B: USCIS Country Conditions Report, Nepal: Temporary Protected Status (TPS) Country of Origin Information (COI) Considerations
- Attachment C: DOS Recommendation and Country Conditions Report on TPS for Nepal

# EXHIBIT E

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director  
Camp Springs, MD 20588-0009



U.S. Citizenship  
and Immigration  
Services

March 20, 2025

**DECISION**

MEMORANDUM FOR THE SECRETARY AND THE DEPUTY SECRETARY

**FROM:** Kika M. Scott  
Senior Official Performing the Duties of the Director

**SUBJECT:** **Temporary Protected Status for Afghanistan**

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**Purpose:** Afghanistan's existing designation for Temporary Protected Status (TPS) will expire on May 20, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.<sup>1</sup> If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation.<sup>2</sup> If the Secretary does not make a timely decision about whether the country no longer meets the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.<sup>3</sup> Accordingly, U.S. Citizenship and Immigration Services (USCIS) has completed a review of the conditions in Afghanistan to inform the consideration of the TPS decision and is presenting a recommendation of terminating the designation for your consideration. [REDACTED]

As part of the review process, USCIS consulted with the Department of State (DOS). In this matter, DOS provided a report dated November 20, 2024, and a more recent recommendation from Secretary Rubio. The November 20, 2024 DOS country conditions report, which relied

<sup>1</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(A). See also Attachment A: Temporary Protected Status Legal Authority.

<sup>2</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(B). See also Attachment A: Temporary Protected Status Legal Authority.

<sup>3</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(C). See also Attachment A: Temporary Protected Status Legal Authority.

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**Temporary Protected Status for Afghanistan**

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largely on uncited sources, the former DOS Secretary recommended an 18-month extension and a new designation of TPS for Afghanistan on the dual bases of ongoing armed conflict and extraordinary and temporary conditions.<sup>4</sup> A new designation would move up the eligibility dates to cover aliens who arrived after the previous TPS designation. DOS has since updated their recommendation, received March 18, 2025. In that updated letter, DOS assessed that permitting nationals of Afghanistan to remain temporarily in the United States under 8 U.S.C. 1254a is contrary to the national interest of the United States. See Attachment D. This finding is relevant to the extraordinary and temporary conditions basis of Afghanistan's designation. The updated DOS recommendation also found that any ongoing armed conflict in the country does not prevent the safe return of Afghan nationals. See Attachment D. We are providing the full record of all information received and considered as part of this consultative process. For the reasons set forth below, USCIS believes the Secretary could proceed with terminating TPS for Afghanistan, [REDACTED].

**TPS Overview:** Afghanistan was initially designated for TPS on May 20, 2022, based on ongoing armed conflict and extraordinary and temporary conditions.<sup>5</sup> Following the initial designation, DHS extended and newly designated Afghanistan for 18 months, beginning on November 21, 2023, and ending on May 20, 2025, based on ongoing armed conflict and extraordinary and temporary conditions.<sup>6</sup>

To be eligible for TPS under Afghanistan's current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since September 20, 2023, and have been continuously physically present in the United States since November 21, 2023. There are currently approximately 11,700<sup>7</sup> beneficiaries and approximately 8,900<sup>8</sup> pending applications under Afghanistan's TPS designation. The DHS Office of Homeland Security Statistics estimates an additional 10,900 Afghan nationals have entered the United States since September 20, 2023, and would be newly eligible for TPS if Afghanistan is newly designated.<sup>9</sup>

**Description of Country Conditions:** USCIS recently reviewed conditions in Afghanistan. Last year, DOS reviewed conditions prior to issuing its November 20, 2024 recommendation. In addition, DOS provided an updated recommendation which DHS received on March 18, 2025. The full USCIS and DOS reports can be found in Attachments B, C and D, respectively, and a synopsis follows.

<sup>4</sup> See Attachment C: DOS Recommendation and Country Conditions Report on TPS for Afghanistan. The previous administration called such a new designation a "redesignation," but that term is not found in INA sec. 244.

<sup>5</sup> See *Designation of Afghanistan for Temporary Protected Status*, 87 FR 30976 (May 20, 2022).

<sup>6</sup> See *Extension and Redesignation of Afghanistan for Temporary Protected Status*, 88 FR 65728 (Sep. 25, 2023).

<sup>7</sup> Estimate as of Feb. 5, 2025.

<sup>8</sup> Estimate as of Feb. 5, 2025.

<sup>9</sup> Estimate as of Oct. 21, 2024.

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**Temporary Protected Status for Afghanistan**

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Currently, armed conflict, primarily between the Taliban and ISIS-K, a Foreign Terrorist Organization (FTO), continues as a source of violence and instability in certain parts of the country. ISIS-K conducts attacks against Taliban fighters, civilians, and protected sites, targeting various communities, and causing numerous civilian casualties.<sup>10</sup> Taliban forces have also clashed with resistance fighters in Panjshir Province, Iranian security forces in the west, and Pakistani forces along the Durand line.<sup>11</sup> The Sunni-backed Islamic State Khorasan Province (ISKAP) has continued deadly attacks on the local population of Afghan civilians, specifically targeting the minority Hazara group in urban areas, using improvised explosive device and suicide attacks.<sup>12</sup>

Regarding extraordinary and temporary conditions, human rights violations, such as use of torture in detention, killings, abductions, and enforced disappearances, continue to be committed by the Taliban against civilians.<sup>13</sup> Reports indicate that the Taliban has been specifically targeting individuals associated with the former Afghan government, police, and military personnel as well as their families.<sup>14</sup>

Improvements

The overall security situation in Afghanistan has evolved. The Taliban have been actively fighting back against the various terrorist groups within its borders and claim to be eliminating ISIS-K.<sup>15</sup> In September 2024, the United States Institute of Peace noted a decrease in armed conflict since the end of the Taliban's insurgency.<sup>16</sup> While threats of violence

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<sup>10</sup> See Attachment C: DOS Recommendation and Country Conditions Report on TPS for Afghanistan.

<sup>11</sup> Regional Overview: South Asia and Afghanistan 5-11 March 2022, ACLED, Mar. 2022, available at: <https://acleddata.com/2022/03/16/regional-overview-south-asia-and-afghanistan-5-11-march-2022/> (last visited Nov. 26, 2024); Regional Overview: South Asia and Afghanistan 19-25 February, ACLED, Feb. 2022, available at: <https://acleddata.com/2022/03/03/regional-overview-south-asia-and-afghanistan-19-25-february-2022/> (last visited Nov. 26, 2024); Jon Gambrell, Iran, *Taliban exchange heavy gunfire in conflict over water rights on Afghan border*, PBS News, May 27, 2023, available at: <https://www.pbs.org/newshour/world/iran-taliban-exchange-heavy-gunfire-in-conflict-over-water-rights-on-afghan-border> (last visited Nov. 26, 2024).

<sup>12</sup> Country Guidance: Afghanistan, European Union Agency for Asylum (EUAA), p.64, 112, May 2024, available at: <https://euaa.europa.eu/publications/country-guidance-afghanistan-may-2024> (last visited Nov. 26, 2024).

<sup>13</sup> Country Guidance: Afghanistan, European Union Agency for Asylum (EUAA), p.19, May 2024, available at: <https://euaa.europa.eu/publications/country-guidance-afghanistan-may-2024> (last visited Nov. 26, 2024).

<sup>14</sup> Barbara Marcolini, Sanjar Sohail & Alexander Stockton, *The Taliban Promised Them Amnesty. Then They Executed Them*, The New York Times, Apr. 12, 2022, available at: <https://www.nytimes.com/interactive/2022/04/12/opinion/taliban-afghanistan-revenge.html> (last visited Nov. 26, 2024); Monika Evstatieva, *Three years after the U.S. withdrawal, former Afghan forces are hunted by the Taliban*, NPR, Sep. 25, 2024, available at: <https://www.npr.org/2024/09/25/nx-s1-5099028/former-afghan-army-and-police-hunted-by-the-taliban> (last visited Nov. 26, 2024).

<sup>15</sup> Instability in Afghanistan, Global Conflict Tracker, Center for Preventative Action, February 12, 2025, available at: <https://www.cfr.org/global-conflict-tracker/conflict/war-afghanistan> (last visited: Feb. 27, 2025).

<sup>16</sup> Belquis Ahmadi, Joyana Richer, Jill Baggerman, William Byrd, Ph.D. & Scott Worden, *Where is Afghanistan Three Years into Taliban Rule?*, United States Institute of Peace, September 19, 2024, available at: <https://www.usip.org/publications/2024/09/where-afghanistan-three-years-taliban-rule> (last visited Feb. 24, 2025).

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and terrorism remain, large-scale violence is at its lowest level in decades,<sup>17</sup> and Afghanistan's streets are reportedly safer.<sup>18</sup>

Despite Afghanistan's population growing to an estimated 44.5 million, the number of those in need of assistance has since declined to 23.7 million this year, a decrease from the more than 29 million Afghan nationals reported the previous year.<sup>19</sup> Furthermore, in 2023 and 2024, Afghanistan's economy began to show a GDP growth of 2.7% which was primarily driven by private consumption.<sup>20</sup> This sign of recovery, coupled with falling food prices, higher remittances, and ongoing humanitarian aid, has contributed to a gradual improvement in household welfare, particularly in rural areas.<sup>21</sup>

The Taliban government is promoting tourism to shift its global image. Tourism is on the rise while kidnappings are down.<sup>22</sup> Foreign visitors, particularly from China, have increased by 913% since the Taliban took control of the country in August 2021.<sup>23</sup> Tourists are sharing their experiences on social media, highlighting the peaceful countryside, welcoming locals, and the cultural heritage, according to reports by South China Morning Post (SCMP).<sup>24</sup>

Generally, a citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing an intent to return to their home country. In 2023, approximately 2,700 Afghan nationals were issued a nonimmigrant visa,

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<sup>17</sup> Belquis Ahmadi, Joyana Richer, Jill Baggerman, William Byrd, Ph.D. & Scott Worden, *Where is Afghanistan Three Years into Taliban Rule?*, United States Institute of Peace, September 19, 2024, available at: <https://www.usip.org/publications/2024/09/where-afghanistan-three-years-taliban-rule> (last visited Feb. 24, 2025).

<sup>18</sup> Belquis Ahmadi, Joyana Richer, Jill Baggerman, William Byrd, Ph.D. & Scott Worden, *Where is Afghanistan Three Years into Taliban Rule?*, United States Institute of Peace, September 19, 2024, available at: <https://www.usip.org/publications/2024/09/where-afghanistan-three-years-taliban-rule> (last visited Feb. 24, 2025).

<sup>19</sup> Akmal Dawi, *Humanitarian Needs in Afghanistan Improve Slightly, Millions Still in Crisis*, Voice of American (VOA), Mar. 25, 2024, available at <https://www.voanews.com/a/humanitarian-needs-in-afghanistan-improve-slightly-millions-still-in-crisis/7542014.html> (last visited Feb. 24, 2025).

<sup>20</sup> *The World Bank in Afghanistan: Overview*, World Bank Group, February 09, 2025, available at <https://www.worldbank.org/en/country/afghanistan/overview> (last visited Feb. 24, 2025).

<sup>21</sup> *The World Bank in Afghanistan: Overview*, World Bank Group, February 09, 2025, available at <https://www.worldbank.org/en/country/afghanistan/overview> (last visited Feb. 24, 2025); *Afghanistan Development Update*, The World Bank, Dec. 2024, pg.12, available at <https://thedocs.worldbank.org/en/doc/126f9684f0c7ff20248c0c7bf45cccd-0310012024/afghanistan-development-update-december-2024> (last visited Feb. 24, 2025).

<sup>22</sup> Belquis Ahmadi, Joyana Richer, Jill Baggerman, William Byrd, Ph.D. & Scott Worden, *Where is Afghanistan Three Years into Taliban Rule?*, United States Institute of Peace, September 19, 2024, available at <https://www.usip.org/publications/2024/09/where-afghanistan-three-years-taliban-rule> (last visited Feb. 24, 2025).

<sup>23</sup> *Chinese tourists are now travelling to... Afghanistan?!*, Travel Weekly Asia, Nov. 13, 2024, available at <https://www.travelweekly-asia.com/Destination-Travel/Chinese-tourists-are-now-travelling-to-Afghanistan> (last visited Feb 24, 2025).

<sup>24</sup> *Chinese tourists are now travelling to... Afghanistan?!*, Travel Weekly Asia, Nov. 13, 2024, available at <https://www.travelweekly-asia.com/Destination-Travel/Chinese-tourists-are-now-travelling-to-Afghanistan> (last visited Feb 24, 2025).

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an increase from the approximate 1,800 in 2022.<sup>25</sup> In 2024, approximately 4,300 Afghan nationals residing in Afghanistan were also admitted to the United States as nonimmigrants, demonstrating an increase from 2023 of 3,400 Afghan nationals.<sup>26</sup>

TPS and Alignment with National Interest

By statute, the Secretary is prohibited from designating a country for TPS or extending a TPS designation on the basis of extraordinary and temporary conditions if she finds that “permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”<sup>27</sup>

“National interest” is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities).<sup>28</sup> Determining whether permitting a class of aliens to remain temporarily in the United States is contrary to the U.S. national interest therefore calls upon the Secretary’s expertise and discretionary judgment, informed by her consultations with appropriate U.S. Government agencies. Additionally, Executive Order 14150, “America First Policy Directive to the Secretary of State” (January 20, 2025), assists in further explaining “national interest,” as the EO clearly sets out the President’s vision that “the foreign policy of the United States shall champion core American interests and always put America and American citizens first.”<sup>29</sup>

Regarding public and national security, DHS records indicate that there are Afghan nationals who are TPS recipients who have been the subject of administrative investigations for fraud, public safety, and national security. There are currently 472 Afghan nationals in Immigration and Customs Enforcement (ICE) custody. As of March 03, 2025, 30 aliens have been removed to Afghanistan between September 25, 2023 and March 2, 2025. Additionally, as of February

<sup>25</sup> Report of the Visa Office 2023, DOS’s Bureau of Consular Affairs, Mar. 05, 2025. Entry/Exit Overstays Report, DHS’s USCIS’s Policy Research Division, Mar. 05, 2025.

<sup>26</sup> Data provided may include Afghan nationals who had multiple entries under one visa type. Entry/Exit Overstays Report, DHS’s USCIS’s Policy Research Division, Mar. 05, 2025.

<sup>27</sup> See INA 244(b)(1), 8 U.S.C. 1254a(b)(1).

<sup>28</sup> See, e.g., *Poursina v. USCIS*, 936 F.3d 868, 874 (9th Cir. 2019) (observing, in an analogous INA context, “that the ‘national interest’ standard invokes broader economic and national-security considerations, and such determinations are firmly committed to the discretion of the Executive Branch—not to federal courts” (citing *Trump v. Hawaii*, 585 U.S. 667, 684-86 (2018)); *Flores v. Garland*, 72 F.4th 85, 89-90 (5th Cir. 2023) (same); *Brasil v. Sec’y, Dep’t of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (same); cf. *Matter of D-J-*, 23 I&N Dec. 572, 579-81 (A.G. 2003) (recognizing that taking measures to stem and eliminate possible incentives for potential large-scale migration from a given country is “sound immigration policy” and an “important national security interest”); *Matter of Dhanasar*, 26 I&N Dec. 884, 890-91 (AAO 2016) (taking into account impact on U.S. workers in “national interest” assessments).

<sup>29</sup> See *America First Policy Directive to the Secretary of State*, Executive Order 14150, 90 FR 8337 (Jan. 29, 2025), available at: <https://www.whitehouse.gov/presidential-actions/2025/01/america-first-policy-directive-to-the-secretary-of-state/> (last visited on Feb. 24, 2025).

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20, 2025, ICE reports that 31 aliens have been flagged in DHS systems as a known suspected terrorist.<sup>30</sup> According to a criminal complaint filed by the Department of Justice, on October 07, 2024, an Afghan national was arrested and charged with conspiring to conduct an Election Day terrorist attack in the United States on behalf of the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization.<sup>31</sup> The criminal complaint highlights that the Afghan national entered the United States on September 09, 2021, as a Special Immigrant Visa holder SIV with parole pending adjudication of his immigration proceedings.<sup>32</sup> These issues underscore a potential conflict with the national interest.

Although congressional appropriations initially provided access to specific federal benefits for Afghan parolees for a limited period of time after arrival into the United States,<sup>33</sup> these benefits would be limited based on the duration of time in the United States while in that status.<sup>34,35,36</sup> Additionally, in 2023, approximately 2,700 nonimmigrant visas were issued to Afghan nationals of which approximately 250 were reported as overstays.<sup>37</sup> As such, there appears to be a conflict with the national interest.

Regarding foreign policy, DOS' recommendation, dated November 20, 2024, included with Attachment C, indicates that it is not contrary to the national interest of the United States to permit those who would meet the eligibility requirements of TPS to remain in the United States

<sup>30</sup> Since some Afghans have multiple A-numbers, it is possible that there are fewer than 31 aliens with a flag for KST record.

<sup>31</sup> *Afghan National Arrested for Plotting an Election Day Terrorist Attack in the Name of ISIS*, Press Release, Office of Public Affairs, U.S. Department of Justice, October 08, 2024, available at: <https://www.justice.gov/archives/opa/pr/afghan-national-arrested-plotting-election-day-terrorist-attack-name-isis> (last visited Feb. 24, 2024); Eric Tucker, *FBI arrests man for plotting Election Day attack in the U.S.*, Associated Press, October 09, 2024, available at: <https://www.pbs.org/newshour/politics/fbi-arrests-man-for-plotting-election-day-attack-in-the-u-s> (last visited Feb. 24, 2024).

<sup>32</sup> *Afghan National Arrested for Plotting an Election Day Terrorist Attack in the Name of ISIS*, Press Release, Office of Public Affairs, U.S. Department of Justice, October 08, 2024, available at: <https://www.justice.gov/archives/opa/pr/afghan-national-arrested-plotting-election-day-terrorist-attack-name-isis> (last visited Feb. 24, 2024); Eric Tucker, *FBI arrests man for plotting Election Day attack in the U.S.*, Associated Press, October 09, 2024, available at: <https://www.pbs.org/newshour/politics/fbi-arrests-man-for-plotting-election-day-attack-in-the-u-s> (last visited Feb. 24, 2024).

<sup>33</sup> See the Afghanistan Supplemental Appropriations Act, 2022; the Additional Afghanistan Supplemental Appropriations Act, 2022; the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023; and the Consolidated Appropriations Act, 2023.

<sup>34</sup> *Afghan Eligibility for Selected Benefits Based on Immigration Status: In Brief*, Congressional Research Service, Updated January 18, 2023, available at: <https://crsreports.congress.gov/product/pdf/R/R46950/6> (last visited Feb 21, 2025).

<sup>35</sup> *Overview of Immigrant Eligibility for Federal Programs*, Table 1, National Immigration Law Center, Revised October 2021, available at: [https://www.nilc.org/wp-content/uploads/2015/11/tb11\\_ovrvw-fed-pgms.pdf](https://www.nilc.org/wp-content/uploads/2015/11/tb11_ovrvw-fed-pgms.pdf), (last visited Feb. 21, 2025).

<sup>36</sup> See the Office of Refugee Resettlement's eligibility criteria as listed in Policy Letter 16-01:

<https://acf.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program>

<sup>37</sup> Report of the Visa Office 2023, DOS's Bureau of Consular Affairs, Mar. 05, 2025. Entry/Exit Overstays Report, DHS's USCIS's Policy Research Division, Mar. 05, 2025.

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temporarily.<sup>38</sup> This recommendation has since been superseded by Secretary Rubio's letter received on March 18, 2025 that finds that it is contrary to the national interest to permit Afghan nationals with TPS to remain in the United States.

Options

Your options include the following actions:

- 1) [REDACTED]
- 2) [REDACTED]
- 3) *Terminate Afghanistan's Designation for TPS; OR*
  - If you determine that Afghanistan no longer continues to meet the statutory requirements for its TPS designation and/or is contrary to the national interest, you must terminate TPS for Afghanistan. Termination would end TPS benefits for existing Afghan TPS beneficiaries after notice in the *Federal Register*. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however,

<sup>38</sup> See Attachment C.

<sup>39</sup> In certain circumstances, aliens may apply for TPS for the first time during an extension of the country's TPS designation period. The alien must qualify to file their application late and must independently meet all the TPS eligibility requirements.

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apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence, etc.).

- If you decide to terminate Afghanistan's designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

4) [REDACTED]

**Signature Level Justification:** The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.<sup>40</sup> At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.<sup>41</sup>

**Timeliness:** You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.<sup>42</sup> For Afghanistan's designation, which expires on May 20, 2025, you must make a decision by March 21, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.<sup>43</sup> Your earliest decision will facilitate

<sup>40</sup> INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

<sup>41</sup> INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

<sup>42</sup> See INA sec. 244(b)(3)(A), (C).

<sup>43</sup> See INA sec. 244(b)(3)(A).

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publication of the *Federal Register* notice, which communicates policy and appropriate procedures for TPS beneficiaries, their employers, and benefit-granting agencies.

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**USCIS Recommendation:** Following a review of the material from DOS as well as a review of the reporting discussed above, and noting improvements in the conditions and the discussion about the national interest of the United States, USCIS believes that either of the following options are defensible in reviewing the record:

- On the basis of no longer meeting the 'extraordinary and temporary conditions' standard, you could terminate TPS for Afghanistan because it is contrary to the national interest to allow Afghan nationals with TPS to remain in the United States;
- On the basis of ongoing armed conflict in Afghanistan, you could a) terminate TPS for Afghanistan, or b) [REDACTED]

USCIS recommends that TPS for Afghanistan be terminated. [REDACTED]

**Secretary's Decision:**

1. [REDACTED]

[REDACTED]

Approve/date \_\_\_\_\_

[REDACTED]

Approve/date \_\_\_\_\_


2. [REDACTED]

[REDACTED]

Approve/date \_\_\_\_\_

3. Terminate:

Terminate Afghanistan's designation on the basis of no longer meeting the extraordinary and temporary conditions statutory standard

Approve/date   
3-21-25


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Terminate Afghanistan's designation on the basis of improved conditions as it relates to ongoing conflict


Approve/date

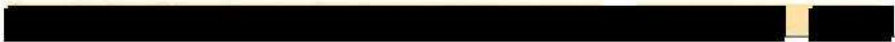
  
3-21-25

4. 



Approve/date \_\_\_\_\_





Approve/date \_\_\_\_\_

**Attachments:**

- Attachment A: Temporary Protected Status Legal Authority
- Attachment B: USCIS Country Conditions Report on TPS for Afghanistan, USCIS Afghanistan: Temporary Protected Status (TPS) Considerations (Addendum)
- Attachment C: DOS Recommendation and Country Conditions Report on TPS for Afghanistan
- Attachment D: DOS Recommendation from Secretary Marco Rubio

# EXHIBIT F

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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director  
Camp Springs, MD 20588-0009



U.S. Citizenship  
and Immigration  
Services

April 3, 2025

**DECISION**

MEMORANDUM FOR THE SECRETARY

FROM: Kika M. Scott  
Senior Official Performing the Duties of Director

SUBJECT: **Temporary Protected Status for Cameroon**

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**Purpose:** U.S. Citizenship and Immigration Services (USCIS) has completed a review of the country conditions in Cameroon to inform the consideration of the TPS action and is presenting a recommendation of termination for your consideration. Cameroon's existing designation for Temporary Protected Status (TPS) will expire on June 7, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.<sup>1</sup> If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation.<sup>2</sup> If the Secretary does not make a timely decision about whether the country continues to meet the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.<sup>3</sup>

As part of the review process, USCIS consulted with the Department of State (DOS). In this matter, we received a recommendation and report dated December 2, 2024, and were unable to obtain a more recent recommendation. Based on the DOS country conditions report, which relied largely on uncited sources, the former Secretary of State recommended a 12-month extension of TPS for Cameroon on the basis of ongoing armed conflict and extraordinary and temporary conditions.<sup>4</sup> For

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<sup>1</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(A). See also Attachment A: Temporary Protected Status Legal Authority.

<sup>2</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(B). See also Attachment A: Temporary Protected Status Legal Authority.

<sup>3</sup> See Immigration and Nationality Act (INA) sec. 244(b)(3)(C). See also Attachment A: Temporary Protected Status Legal Authority.

<sup>4</sup> See Attachment C: DOS Recommendation and Country Conditions Report on TPS for Cameroon

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the reasons set forth below, we disagree that ample information on the current country conditions in Cameroon is presently available to support such a recommendation.

**TPS Overview:** Cameroon was initially designated for TPS on June 7, 2022, based on ongoing armed conflict and extraordinary and temporary conditions in Cameroon that prevented nationals of Cameroon from returning in safety.<sup>5</sup> Following the initial designation, DHS extended and newly designated Cameroon for 18 months, beginning on December 8, 2023 and ending on June 7, 2025, based on ongoing armed conflict and extraordinary and temporary conditions.<sup>6</sup>

To be eligible for TPS under Cameroon's designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since October 5, 2023, and have been continuously physically present in the United States since December 8, 2023. There are currently approximately 5,000<sup>7</sup> beneficiaries and approximately 1,200<sup>8</sup> pending applications under Cameroon's TPS designation. The DHS Office of Homeland Security Statistics has estimated that an additional 9,300<sup>9</sup> nationals of Cameroon who have entered the United States since October 5, 2023, could become newly eligible for TPS if Cameroon is newly designated.

**Description of Country Conditions:** USCIS recently reviewed conditions in Cameroon. Last year, DOS reviewed conditions prior to issuing its December 4, 2024 recommendation. The full USCIS and DOS reports can be found in Attachments B, C, and D, and a synopsis follows.

Cameroon is currently experiencing two conflicts that are limited to two separate parts of the country: (1) In the Far North region, the government is dealing with extremist insurgency groups, such as Boko Haram,<sup>10</sup> near the Lake Chad area, and (2) in the Northwest and Southwest regions, an ongoing armed conflict persists between the Anglophone (English-speaking) separatists and the Francophone (French-speaking) central government of Cameroon.<sup>11</sup> In January 2024, Cameroon was ranked as the 25<sup>th</sup> highest country experiencing conflict in the world, and by December 24<sup>th</sup>, 2024, Cameroon was ranked as the 9<sup>th</sup> highest country experiencing conflict.<sup>12</sup>

<sup>5</sup> See *Designation of Cameroon for Temporary Protected Status*, 87 FR 34706 (June 7, 2022).

<sup>6</sup> See *Extension and Redesignation of Cameroon for Temporary Protected Status*, 88 FR 69945 (Oct. 10, 2023).

<sup>7</sup> Estimate as of Mar. 11, 2025.

<sup>8</sup> Estimate as of Mar. 11, 2025.

<sup>9</sup> Estimate as of April 4, 2025.

<sup>10</sup> *Curbing Feuds over Water in Cameroon's Far North*, International Crisis Group, April 25, 2024, available at <https://www.crisisgroup.org/africa/central-africa/cameroon/b197-curbing-feuds-over-water-cameroons-far-north> (last visited Feb. 3, 2025).

<sup>11</sup> *A Second Look at Cameroon's Anglophone Special Status*, International Crisis Group, Mar. 31, 2023, available at <https://www.crisisgroup.org/africa/central-africa/cameroon/b188-second-look-cameroons-anglophone-special-status> (last visited Feb. 3, 2025).

<sup>12</sup> *Armed Conflict Location & Event Data*, ACLED Conflict Index Results, January 2024, available at <https://acleddata.com/conflict-index/index-january-2024/> (last visited Feb. 13, 2025); *Armed Conflict Location & Event Data*, ACLED Conflict Index Results, December 2024, available at <https://acleddata.com/conflict-index/> (last visited Feb. 13, 2025).

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Regarding extraordinary and temporary conditions, in the Northwest and Southwest Regions, acts of violence, including kidnapping for ransom, sexual assault, roadside ambushes and robberies, use of improvised explosive devices and murder have occurred.<sup>13</sup> Security force operations, curfews and movement restrictions, and attacks by armed militants can take place at any time throughout these regions, including in urban areas.<sup>14</sup>

Improvements

The total number of people currently needing humanitarian assistance in Cameroon has decreased from 2023, and the number of forcibly displaced individuals is expected to progressively decrease to 1.4 million by the end of 2026.<sup>15</sup>

Last year, Cameroon benefited from initiatives led by the Economic Community of West African States (ECOWAS) Peace and Security Architecture.<sup>16</sup> These initiatives resulted in major headway in promoting women's roles in conflict resolution.<sup>17</sup> Additionally, the International Organization for Migration (IOM) has played a critical role in promoting the women, peace and security priorities in Cameroon and has "initiated transformative actions that empower women in disarmament, demobilization and reintegration processes."<sup>18</sup>

While education continues to be disrupted in some areas in Cameroon, the total number of schools currently operational in the Northwest and Southwest regions has increased from previous years.

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<sup>13</sup> Cameroon Travel Advisory, U.S. Department of State, December 18, 2024, available at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/cameroon-travel-advisory.html> (last visited Mar. 19, 2025.)

<sup>14</sup> Cameroon Travel Advisory, U.S. Department of State, December 18, 2024, available at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/cameroon-travel-advisory.html> (last visited Mar. 19, 2025.)

<sup>15</sup> UN Office for the Coordination of Humanitarian Affairs, Cameroon: Humanitarian Dashboard (January to December 2023), December 2023, available at <https://www.unocha.org/publications/report/cameroon/cameroon-humanitarian-dashboard-january-december-2023#:~:text=An%20estimated%204.7%20million%20people.and%20required%20US%24407.3million> (last visited Feb. 18, 2025); Cameroon Multi-Country Office, UNHCR, December 2024, available at <https://reporting.unhcr.org/operational/operations/cameroon-multi-country-office#:~:text=To%20enable%20refugees%20and%20asylum.UNHCR%20supervisory%20and%20coordination%20functions> (last visited Mar. 3, 2025.)

<sup>16</sup> Women, Peace, and Security in Cameroon: Bridging gaps for lasting change, Sept. 27, 2024, available at <https://www.iom.int/news/women-peace-and-security-cameroon-bridging-gaps-lasting-change> (last visited Mar. 12, 2025)

<sup>17</sup> Women, Peace, and Security in Cameroon: Bridging gaps for lasting change, Sept. 27, 2024, available at <https://www.iom.int/news/women-peace-and-security-cameroon-bridging-gaps-lasting-change> (last visited Mar. 12, 2025)

<sup>18</sup> Women, Peace, and Security in Cameroon: Bridging gaps for lasting change, Sept. 27, 2024, available at <https://www.iom.int/news/women-peace-and-security-cameroon-bridging-gaps-lasting-change> (last visited Mar. 12, 2025)

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**Temporary Protected Status for Cameroon**

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resulting in an improvement of over 18% from the previous school year.<sup>19</sup> This increase can be partly attributed to “the gradual improvement in the security situation in certain areas.”<sup>20</sup>

Generally, a citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing an intent to return to their home country. In 2024, approximately 12,200 Cameroonian nationals were issued a nonimmigrant visa, an increase from approximately 10,600 in 2023. In 2024, there were approximately 15,500 nonimmigrant admissions from nationals of Cameroon, demonstrating an increase from 2023 of approximately 2,000 admissions.<sup>21</sup>

Additionally, Immigration and Customs Enforcement (ICE) is currently returning Cameroonians to Cameroon. ICE has removed approximately 70 Cameroonians since its initial TPS designation in June 2022, with 10 Cameroonians removed in 2025.<sup>22</sup>

TPS and Alignment with National Interest

By statute, the Secretary is prohibited from designating a country for TPS or extending a TPS designation on the basis of extraordinary and temporary conditions if she finds that “permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”<sup>23</sup>

“National interest” is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities). Determining whether permitting a class of aliens to remain temporarily in the United States is contrary to the U.S. national interest therefore calls upon the Secretary's expertise and discretionary judgment, informed by her consultations with appropriate U.S. Government agencies. Additionally, Executive Order 14150, “America First Policy Directive to the Secretary of State” (January 20, 2025), assists in further explaining “national interest”, as the EO clearly sets out the President's vision that “the foreign policy of the United States shall champion core American interests and always put America and American citizens first.”

<sup>19</sup> United Nations Office for the Coordination of Humanitarian Affairs, Humanitarian Needs Overview Cameroon, April 2024, p. 46, available at <https://reliefweb.int/report/cameroon/cameroon-humanitarian-needs-overview-hno-2024-glance> (last visited Feb. 18, 2025)

<sup>20</sup> United Nations Office for the Coordination of Humanitarian Affairs, Humanitarian Needs Overview Cameroon, April 2024, p. 46, available at <https://reliefweb.int/report/cameroon/cameroon-humanitarian-needs-overview-hno-2024-glance> (last visited Feb. 18, 2025)

<sup>21</sup> Note: Aliens may have entered into the United States multiple times using same nonimmigrant visa, and the visa may have been issued in previous years.

<sup>22</sup> Statistic obtained from OP&S' Policy Research Division on Mar. 19, 2025 based on ICE data.

<sup>23</sup> See INA 244(b)(1), 8 U.S.C. 1254a(b)(1).

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Regarding public and national security, DHS records indicate that there are Cameroonian nationals who are TPS recipients who have been the subject of administrative investigations for fraud, public safety and national security. Of the current 5,000 TPS recipients and 1,200 aliens with pending TPS Cameroon applications, there are 20 national security records, 299 fraud records, and 14 public safety records. None are known or suspected terrorists.

Approximately 7,500 nationals of Cameroon have entered the United States since October 5, 2023.<sup>24</sup> Of these new entrants, 3,100 are nonimmigrants in valid status, 500 entered as nonimmigrants but are now out of status, and 2,200 were encountered at a border or port of entry. OHSS also estimates that approximately 1,600 entered the United States irregularly and were not apprehended by U.S. government officials. Overstays and unlawful entry conflict with the national interest.

Regarding foreign policy, the DOS's December 2024 recommendation indicates that it is not contrary to the national interest of the United States to permit those who would meet the eligibility requirements of TPS to remain in the United States temporarily.<sup>25</sup> The DOS report states while the government of Cameroon has made some efforts to stabilize and secure reconstruction of crisis areas, the underlying cause of the crisis has not been resolved.<sup>26</sup> Additionally, DOS recommended a 12-month extension of TPS for Cameroon while noting that the designation of TPS for Cameroon could negatively impact cooperation on areas of mutual interest, such as counterterrorism efforts in the Lake Chad Basin, anti-piracy efforts in the Gulf of Guinea, and other areas of concern.<sup>27</sup> This assessment was prepared in the previous Presidential administration without additional analysis, and no updated assessment has been sent.

*Options*

Your options include the following actions:

1) [REDACTED]

[REDACTED]

<sup>24</sup> Estimate as of Nov. 3, 2024.

<sup>25</sup> See Attachment C: DOS Recommendation and Country Conditions Report on TPS for Cameroon.

<sup>26</sup> See Attachment C: DOS Recommendation on TPS for Cameroon.

<sup>27</sup> See Attachment C: DOS Recommendation on TPS for Cameroon.

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[REDACTED]

2) [REDACTED]

[REDACTED]

3) *Terminate Cameroon's Designation for TPS*

- If you determine that Cameroon no longer continues to meet the statutory requirements for its TPS designation, you must terminate TPS for Cameroon. Termination would end TPS benefits for existing Cameroonian TPS beneficiaries after notice in the *Federal Register*. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence, etc.).
- If you decide to terminate Cameroon's designation, the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

**USCIS Recommendation:** Following a review of the material from DOS as well as a review of the reporting discussed above, and noting improvements in the conditions, USCIS has concluded that TPS for Cameroon should be terminated. Given the preparedness and ability of the government of Cameroon to accept the return of its nationals, USCIS recommends that the statutory minimum of sixty days following publication of the FRN for the effective date of the termination is sufficient for an orderly period of transition.

**Signature Level Justification:** The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the

<sup>28</sup> Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

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designation, termination, or extension of a designation.<sup>29</sup> At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.<sup>30</sup>

**Timeliness:** You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.<sup>31</sup> For Cameroon's designation, which expires on June 7, 2025, you must make a decision by April 8, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.<sup>32</sup> Your earliest decision will facilitate publication of the *Federal Register* notice, to provide predictability and clarity to TPS beneficiaries, their employers, and benefit-granting agencies.

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<sup>29</sup> INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

<sup>30</sup> INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

<sup>31</sup> See INA sec. 244(b)(3)(A), (C).

<sup>32</sup> See INA sec. 244(b)(3)(A).

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**Secretary's Decision:**

1. [REDACTED]

Approve/date \_\_\_\_\_

2. [REDACTED]

[REDACTED]

Approve/date \_\_\_\_\_

3. Terminate: *Terminate Cameroon's designation*

Approve/date *[Signature]* 4-07-25

**Attachments:**

- Attachment A: Temporary Protected Status Legal Authority
- Attachment B: USCIS Country Conditions Report on TPS for Cameroon
- Attachment C: USCIS Country Conditions Report on TPS for Cameroon Addendum
- Attachment D: DOS Recommendation and Country Conditions Report on TPS for Cameroon

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